

**No. 22/229/2023-3HR-III
Haryana Government
Human Resources Department
(Human Resources-III Branch)**

From

**Chief Secretary to Government, Haryana,
Chandigarh.**

To

1. The Chief Secretary to Govt. of Delhi.
2. The Secretary to Govt. of Delhi, Education Department.
3. The Secretary, Delhi Subordinate Services Selection Board, Delhi
4. The Director, Directorate of Education, Delhi.

Dated: Chandigarh, the 22 May 2024

Subject: Regarding EWS Certificates submitted by the candidates of Haryana selected as TGT by DSSS Board.

Sir/Madam,

I am directed to invite your personal attention to some serious issues brought to the notice of Government of Haryana by some candidates of Haryana who were selected by Delhi Subordinate Services Selection Board and offered appointment/joined their duties for the post of TGT of different subjects. It is learnt that their candidature is either being cancelled or has already been cancelled on any one or more of the following grounds:-

- (i) Submission of EWS certificate issued during the period between 1st January and 31st March, 2021 for the income up to 31st March 2021, with validity for the year 2021-22.
- (ii) Submission of EWS Certificate signed/issued by the Naib-Tehsildar instead of Tehsildar of the area where the applicant was residing.
- (iii) Submission of EWS Certificate which was issued by the competent authority after the last date of submission of application for the post.

2. Government of Haryana wishes to express its deep concern about the withdrawal of appointment letters in many cases and the prospects thereof in some cases still under consideration of Directorate of Education of Delhi Government, of meritorious youth of Haryana. The Government of Haryana after meticulous consideration of the issues clarifies that the candidature of the candidates cannot be cancelled merely on any one or more of the grounds stated above because of the following reasons: -

- (i) The EWS certificates in Haryana are issued keeping in view the average fixed income and assets for the complete financial year, immediately upon an application being made to the competent authority, no matter what the date of application, whether or not before completion of the financial year. Therefore, the EWS certificates issued before the completion of the financial year 2020-21, i.e. during the period between 1st January and 31st March 2021, submitted by the candidates who are covered under 1(i) above should be treated valid for the year 2021-22.
- (ii) Regarding acceptance of EWS Certificate issued by the Naib-Tehsildar instead of Tehsildar submitted by the applicants/candidates of Haryana it is clarified that—
 - (a) Haryana Government in the Schedule to Right to Service Act, 2014 has authorized both Tehsildar and Naib-Tehsildar to issue EWS Certificates to the persons residing in Haryana.

(b) In another case of similar nature, it has already been clarified by Haryana Government vide letter No.22/227/2023-3HR-III, dated 7th December 2023 (Copy enclosed) addressed to UPSC/DoPT that State Government has decided to treat the EWS certificates issued by the Naib-Tehsildar as true and genuine. In fact, such EWS certificates issued by the Naib-Tehsildar have also been accepted by UPSC/DoPT.

(c) In CWP 8502 of 2017 (O&M) it has been held by the Hon'ble Punjab and Haryana High Court that ".... The power and duties of Tehsildar and Naib Tehsildar are of similar nature. The Tehsildars and Naib Tehsildars have powers of Executive Magistrate to maintain law and order. Their powers and functions include Maintenance and Updating Revenue Record, Registration of documents and recovery of Government dues. Therefore, experience/service rendered as Naib Tehsildar and Tehsildars is similar."

Therefore, EWS certificates issued by Naib Tehsildar for candidates of Haryana referred to at 1(ii) above should be treated as valid.

(iii) Regarding applicants/candidates who are covered under 1(iii) above, it is informed that Haryana Government launched income certificates generation via the portal <https://saralharyana.gov.in> during the year 2021-22 to issue online certificates of all kinds including Caste Certificates/Income Certificates/EWS Certificates etc. which were previously being issued by different relevant Departments of Haryana Government. It is also clarified here that in the previous system it would have been possible for a candidate to obtain two different EWS Certificates verifying the income at two different levels by approaching the relevant Department with two different sets of affidavits at two different dates. With the launch of the said portal this possibility has been completely pre-empted. There is a unique Family ID for every family and the verified annual income of every family for every year is available in the State level database. The moment a candidate applies for EWS Certificate on the SARAL portal, it fetches the income and caste data from the said database. There is no scope for the competent authority (Tehsildar or Naib-Tehsildar etc.) to make any change to the verified income of the previous year. Therefore, in this system, the candidate may generate his certificate in any of the months.

Many candidates who submitted the EWS certificate issued after the last date of submission of application might not have been aware of the newly launched portal by Haryana Government and consequently, they may not have been able to generate their own EWS Certificate in time. It is, therefore, requested that the EWS Certificates generated after the last date for the candidates referred to at 1(iii) above may also be accepted because they truly capture the actual verified income for the previous year.

It is further added that no cut-off date need be fixed for the purpose of Caste Certificate of the candidates of reserved category because caste stays the same at all times. Similarly, the verified family income of the candidates residing in Haryana is available in the database on an annual basis at all times and remains unchanged for a particular period in the financial year. Therefore, the mere fact of submission of EWS Certificate which was issued after the cut-off date cannot legally be treated as valid ground for cancellation of candidature.

3. In view of the above, you are requested to consider the EWS Income and Asset Certificates issued by the Competent Authority during the period between 1st January and 31st March 2021, before or after the last date as valid and allow the respective candidates to continue/join back their duties. It is also requested that a similar decision may also be taken for all other selected candidates of Haryana having similar EWS Certificates, where cases for cancellation of candidature/withdrawal of appointment letter are in pipeline in Directorate of Education or any other department of Delhi Government on any of the grounds mentioned in para 1 above.

4. If required, Government of Haryana can depute the Director General, Human Resources, Haryana to meet with the Director of Education or any other authority to work out the details of all the candidates of Haryana whose appointment may be in process of cancellation and provide any further detailed justification for each case wherever felt necessary by him.

Yours faithfully,

S. Singh
Deputy Secretary Human Resources-I
for Chief Secretary to Govt. Haryana

Endst. No.22/229/2023-3HR-III

Dated: Chandigarh, 22 May, 2024

A copy is forwarded to the Department of Personnel & Training, Govt. of India, New Delhi for information and necessary action.

S. Singh
Deputy Secretary Human Resources-I
for Chief Secretary to Govt. Haryana