

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 19304 of 2014 (O & M)

Date of decision: 27.08.2015

Rupinder Singh

....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Ms. Manveen Kahlon, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 11168 of 2015

Application for placing on record representation Annexure P-7
(colly) and Annexure P-8 is allowed, subject to all just exceptions.

The same are taken on record.

CWP No. 19304 of 2014

At the outset, counsel for the petitioner restricts her prayer to the extent that she is entitled for appointment on the post of the Assistant District Attorney in the category of Balmiki/Mazhbi Sikh ESM/LDESM in view of Section 4(5) of the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006 (in short 'the Act').

It is the case of the petitioner that vide advertisement (Annexure P-1), 80 posts were advertised for Assistant District Attorneys in July, 2013. The petitioner had applied online against the category of S.C. ESM/LDESM (category code 78/79) for which there was only one post. However, for category 82/83 Balmiki/Mazhbi Sikh ESM/LDESM, 2 posts had been set aside. The petitioner was successful in the written test and called for interview and was at sr. no. 3 in the waiting list of the short listed

candidates. However, for category code 82/83, only one person was found eligible and the other post remained vacant. The petitioner filed representation on 20.08.2014 (Annexure P-7) placing reliance upon the provisions of Section 4(5) of the Act that he was entitled to be offered the said vacancy on account of the same not being consumed from the Balmiki/Mazhbi Sikh candidates. Reliance was also placed upon the Division Bench judgment of this Court in ***Devinder Singh vs. State of Punjab*** whereby, the provisions of the said Section had been declared unconstitutional. The said representation was followed up by a subsequent representations dated 14.09.2014 and 13.10.2014. The same were also forwarded to the Secretary to Government of Punjab (Personnel Department) and the Principal Secretary to the Government of Punjab (Home Affairs and Justice Department) by the Principal Secretary to the Governor of Punjab, Chandigarh on 11.11.2014 (Annexure P-8). Resultantly, the present writ petition has been filed.

Keeping in view the above controversy and since the matter is still pending consideration, this Court does not feel it necessary to call upon the respondents to file reply.

Accordingly, without commenting upon the merits of the case, this writ petition is disposed of with a direction to the Principal Secretary to Government of Punjab (Home Affairs and Justice Department) to look into the said representations and take necessary action on the same within a period of 3 months from the date of receipt of certified copy of the order. Needless to say that in case the relief is to be denied, the order should contain reasons.

27.08.2015
shivani

(G.S. SANDHAWALIA)
JUDGE