

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

CWP No. 19638 of 2015
Date of decision: 16.09.2015

Hardeep SarwaraPetitioner(s)

Versus

State of Haryana and others ...Respondent(s)

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

Present: Mr. Harish Nain, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of the order dated 24.08.2015 (Annexure P-5) whereby, respondent no. 3 has rejected his application dated 17.08.2015. In the application filed by the petitioner, the request was for appointment as peon against the special backward class in view of the interview conducted and on account of the fact that the petitioner had been selected.

It is not disputed that the petitioner had applied for the said post against the special backward class category. The appointment was for 10 temporary vacant posts for which one post was reserved for the said category.

During the course of arguments, it has transpired that the petitioner belongs to the Jat caste, on the basis of which, he had claimed the said appointment on account of the notifications issued by the State dated 24.01.2013 and 28.02.2013 which created the reservation in favour of the said community. The Apex Court in ***Ram Singh and others vs. Union of India, 2015 (3) SCALE 570*** set aside the report of the Commission whereby, the said caste was declared as a backward class. A Division Bench of this Court in ***CWP No. 9132 of 2015, Ved Prakash and another***

vs. State of Haryana and others on 27.07.2015 stayed the above mentioned notifications whereby reservation was provided while admitting the writ petition.

In such circumstances, the petitioner having not been appointed cannot claim any right for appointment. He was only liable to be considered against the said category. Once the notification itself has been stayed, the right to appointment cannot be enforced by this Court. Since the claim is against temporary posts, this Court does not feel it necessary to admit the petition to be heard with the above writ petition.

Accordingly, the present writ petition is dismissed with liberty to the petitioner to revive his cause of action if it still subsists at that point of time.

16.09.2015
shivani

(G.S. SANDHAWALIA)
JUDGE