

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

CWP No.16550 of 2012 (O&M)

Date of decision: 11.07.2016

Sukhjeet Singh

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Yash Pal Gupta, Advocate
for the petitioner.

Mr. N.C. Sahni, Advocate
for respondent No.2.

Daya Chaudhary, J. (Oral)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for considering the petitioner for appointment against the vacancy reserved for the Person With Disability. A further writ has also been prayed for quashing of impugned selection made by respondent-Bank dated 25.07.2012.

After issuing notice of motion, reply has also been filed.

Learned counsel for the petitioner submits that in the advertisement issued by respondent No.2-Bank, there was no vacancy for disabled person whereas keeping in view the total vacancies, one post should have been given to the disabled person. The selection has been made without taking into consideration the rule and ratio of reservation.

Learned counsel for respondent No.2-Bank submits that the selected candidates have not been made as party and even the advertisement has not been challenged. The selection has already taken place in the year 2012 and the selected candidates are working against their respective posts.

Admittedly, the vacancies were advertised in the year 2012 and no post was mentioned for physically handicapped person. In case, the petitioner was aggrieved by the advertisement, he should have challenged the advertisement but the same has not been challenged. Moreover, the selected candidates have not been impleaded as party and no adverse order can be passed at the back of selected candidates.

Keeping in view the stage of the case and also the fact that neither the selected candidates have been made party nor the advertisement has been challenged, no ground is made out to interfere.

Dismissed.

11.07.2016
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(DAYA CHAUDHARY)
JUDGE