

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

CWP No.10183 of 2016

Date of decision: 23.5.2016

Harvel Singh

... Petitioner

Versus

State of Punjab & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Amit Shukla, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. The writ petition has been filed after submitting representations to the respondent department/Government demanding reservation for Sports persons in Backward Class category. The first advertisement issued on November 9, 2015 was amended on January 13, 2016 when 978 posts were increased from the original vacancies advertised for direct recruitment to make a total of 4500 vacancies for selection and appointment of ETT teachers. The last date for submission of applications through online process was January 25, 2016. The terms and conditions of the first advertisement remained the prevailing rules of the recruitment. The petitioner has approached this Court at the end of May, 2016 praying that a direction be issued to the respondents to carve out a reservation quota for Sportsmen in the Backward Class category even though none was advertised but ought to have been.

2. Learned counsel relies on Rule 4 of The Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006 which

places an obligation on the State that while making appointments in services by any of the methods provided under any service rules reservation shall be made for members of the Scheduled Castes and Backward Classes in the services under all the establishments.

3. The State has made reservation for Backward Classes in substantial numbers including for Ex-servicemen (BC) but has not extended the recruitment process to an earmarked quota for Backward Class (Sportsmen). It is settled position in law that the writ Court would not issue a direction to the State to carve out reservation in both its vertical and horizontal modules. Apart from this, the constraints upon the writ court preclude me from interfering in the matter on account many reasons including inordinate delay in approaching the court. The selection process has reached at the advanced stage of counselling. Any direction issued by this court would imperil the recruitment process since the nature of direct recruitment process admits no interference by orders which would tend to reopen the advertisement to accommodate rights of other eligible Backward Class candidates in the Sportsmen category who would also have a right to be offered opportunity to compete with the petitioner in case the advertisement is tinkered with. If this were permitted it would open fresh frontiers and completely frustrate the entire recruitment process to the point of nullification and for which reason nothing can be done by the Court to retard the ongoing selection of teachers. Court would not issue a direction in a policy matter and for no rhyme or reason. This petition is liable to be dismissed not only for the reason that the petition is misconceived but also suffers from delay and

laches when the last date of applications expired months ago and rights, if any, of the petitioners and his ilk are by now irretrievably lost. The process cannot be reversed to the detriment of the stakeholders. It is even too late to ask the State to justify its action in non-inclusion of the category of BC (Sportsmen) in the advertised vacancies.

Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

23.5.2016
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