

CWP No. 25109 of 2013

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

**CWP No. 25109 of 2013
Date of Decision : 09.12.2016**

Vimal Kumar

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Harish Rathee, Senior Deputy Advocate General, Haryana.

Mr. Sumit Jain, Advocate for respondent No. 2-HUDA.

Anupinder Singh Grewal, J.(Oral)

The petitioner has sought issuance of mandamus directing the respondents to appoint him on the post of Office Associate.

The petitioner is stated to have applied for the post of Office Associate in response to Advertisement No. 2/2010 issued by the respondents. The petitioner had qualified in the written examination and was called for interview. However, his name did not figure in the list of successful candidates and he was at Serial No. 6 in the waiting list in SC Category.

Learned counsel for the petitioner has contended that the petitioner was in the waiting list of SC candidates and as several posts in that category could not be filled, the petitioner should have been appointed as Office Associate.

Per contra, learned counsel for respondent No. 2 has contended

that the petitioner was at Serial No. 6 in the waiting list in SC Category and out of total 25 posts, meant for candidates in SC Category, 24 were filled earlier and later on the one remaining post was also filled by a candidate, namely, Sanjay, who was at Serial No. 1 in the waiting list in the SC Category.

I have heard learned counsel for the parties.

The petitioner had applied for the post of Office Associate in the SC category. 25 posts had been advertised in this category and the petitioner was at Serial No. 6 in the waiting list. Only one candidate, who was at Serial No. 1 in the waiting list could be appointed against the post which had fallen vacant on account of non joining of a selected candidate. It is not the case of the petitioner that any candidate, who is lower than him in the waiting list, has been considered for appointment.

Therefore, as the petitioner was at Serial No. 6 in the waiting list in SC category and only the candidate at Serial No. 1 in the waiting list has been appointed, no case is made out for issuance of a writ as prayed for.

In the result, the petition stands dismissed.

December 09, 2016

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**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No