

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

**Civil Writ Petition No.3684 of 2013 (O&M)**

**Date of decision: 9.2.2016**

Harmail Singh

**... Petitioner**

**Versus**

State of Punjab and others

**... Respondents**

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

**Present:** Mr.Animesh Sharma, Advocate,  
for the petitioner.

Mr.Inqulab Nagpal, AAG, Punjab.

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

**RAJIV NARAIN RAINA, J. (Oral)**

The case set up by the petitioner appears more academic than real. Mr.Sharma argues that the post reserved for scheduled caste [sportsmen] category could not be filled in 2012 selection and ought to have been filled by an available candidate from amongst the scheduled castes like the petitioner.

Mr.Sharma appearing for him states not only this but also that there was one vacancy for member of the scheduled caste to be carried forward from the previous recruitment process in 2010 and if this is taken into account, there would be two additional posts in 2012 recruitment process and the petitioner could have made it to the zone of consideration

being high up in merit to be called for interview.

The State has filed its written statement and contested the case. Their stand is that there was a vacancy but was not filled up at the stage claimed by the petitioner. It was carried forward due to non-availability of an eligible scheduled caste candidate.

Having considered the arguments of both sides and the fact that a number of successive recruitment have taken place between 2012 to 2016 and a large number of vacancies have been filled, the claim is rendered academic and no real relief can be granted to the petitioner by making a construction which may have no foundation.

Dismissed.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**February 9, 2016**

*Paritosh Kumar*