

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4908 of 2016
Decided on : 31.03.2016

Gagandeep Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present : Mr.Gurbachan Singh, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

Petitioner challenges the order dated 05.08.2014 (Annexure P4) whereby his father's application dated 05.02.2014 has been rejected. The prayer in the application was that the selected candidate- Gurpreet Singh, in the reserved category to the post of District Programme Officer (DPO) had been selected as DSP and thus, left the post. Accordingly, petitioner sought appointment against the said post, on account of the same lying vacant.

In the impugned order, it had been noticed that Gurpreet Singh had worked in the Department for a period of 1 ½ years as DPO, against the post reserved for a Scheduled Caste candidate and the same post was consumed. The next candidate in the Scheduled Caste category, i.e., the petitioner, thus, could not be considered for appointment on the old merit, in view of the instructions of the Government dated 22.03.1957 and the judgment of the Apex Court in **State of Punjab Vs. Raghbir Chand Sharma & another 2002 (1) SCC 113.**

A perusal of the paperbook would go on to show that the petitioner had applied in pursuance of the advertisement (Annexure P1) against one reserved seat out of the 4 seats and was at Sr.No.13 in the merit list, having secured 50.58 marks whereas Gurpreet Singh was at

Sr.No.5 having secured 58.38 marks. It has already been noticed that the said Gurpreet Singh worked on the said post for a period of 1 ½ years, before leaving. It is not the case of the petitioner that there was any wait-list for the said period and therefore, in the absence of the wait-list, the petitioner was not entitled for consideration against the vacancy which had arisen. In such circumstances, the post had to be re-advertised and the petitioner had no vested right of appointment against the same. The justification given in the impugned order, while placing reliance upon Raghubir Chand Sharma's case (supra) cannot be faulted, in any manner.

Resultantly, the present writ petition is dismissed in limine.

MARCH 31, 2016

sailsh

**(G.S. SANDHAWALIA)
JUDGE**