

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM No.4160-CWP of 2016 in/and
CWP No.9132 of 2015 (O & M)
Date of decision: 12.04.2016

Ved Parkash and anotherPetitioners

Vs.

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MR. JUSTICE GURMIT RAM

Present: Ms. Shikha, Advocate
for the petitioners.

Mr.Deepak Sabherwal, Addl. AG, Haryana
for respondents No.1 and 2.

Mr. Sube Sharma, Advocate for respondent No.3.

S.S.SARON,J.

CM No.4160 of 2016 has been filed by the applicant-State of Haryana for dismissing the writ petition as having become infructuous. It is stated that the notification dated 31.3.2016 (Annexure R1) whereby the notification dated 24.1.2013 whereby five castes namely Jat, Jat-Sikh, Ror, Bishnoi and Tyagi were declared a Special Backward Classes and 10% reservations in jobs provided in Govt./Govt. Undertakings and local bodies as well as educational institutions has been withdrawn with immediate effect. Besides, the notification dated 10.10.2013 insofar as it pertained to inclusion of Mulla Jats/Muslim Jats as Special Backward Classes has also been withdrawn with immediate effect.

The petitioners Ved Prakash and Dr. Naresh Jangra filed the present petition seeking quashing of the report dated

12.12.2012 (Annexure P-1) of the Haryana Backward Class Commission and the notification dated 24.01.2013 (Annexure P-2) issued in pursuance of the said report (Annexure P-1) as well as the notification dated 28.02.2013 (Annexure P-3) vide which five categories of castes namely Bishnoi, Jat, Jat-Sikh, Ror and Tyagi residing in Haryana State were declared as Special Backward Classes. The petitioners also apprehended that a subsequent notification may be issued providing for reservations to the said five castes/communities.

Learned counsel for the applicant-State submits that during the pendency of the present petition notification dated 24.01.2013 (Annexure P-2) whereby the Special Backward Classes status was given to the five communities has been withdrawn by the Government vide notification dated 31.03.2016 (Annexure R-1). Besides, notification dated 1.4.2016 has been issued on the subject of granting reservations in jobs under Govt./Govt. Undertakings and Local Bodies as well as for admissions in Govt./ Govt. aided educational/technical/professional Institutions. It is mentioned that vide notification dated 31.3.2016 (Annexure R-1) the Welfare of Scheduled Castes and Backwards Classes Department have withdrawn their earlier notification dated 24.1.2013 (Annexure P-2) and notification dated 10.10.2013 by which 10% reservations was provided in jobs under Govt./Govt. Undertakings and Local Bodies as well as for admissions in Govt./Govt. aided educational/technical/professional Institutions to the Special Backward Classes (i.e. Bishnoic, Jat, Jat Sikh, Ror, Tyagi and Mulla-Jat/Muslim Jat). It is stated that now the State Govt. has decided to delete the

provisions with regard to providing of reservations to Special Backward Classes vide instructions dated 15.7.2014 with immediate effect i.e.:-

- (i) In case of direct recruitment in Class I & II posts, column d of the table which provides 5% reservation.
- (ii) In case of direct recruitment in Class III and IV posts, column d of the table which provides 10% reservation.
- (iii) In case of admission in Govt./Govt aided Educational/Technical/Professional Institutions para 5 column d of the table which provides 10% reservation.
- (iv) Entire para 4 of these instructions.
- (v) Annexure 'C' i.e. list of Special Backward Classes in Haryana State.

Therefore, it is evident that the impugned notification dated 24.1.2013 (Annexure P-2) issued in pursuance of the report of the Haryana Backward Class Commission dated 12.12.2012 (Annexure P-1) has been withdrawn vide notification dated 31.3.2016 (Annexure R-1). Besides, the notification dated 28.2.2013 (Annexure P-3) by which five castes namely Bishoni, Jat, Jat - Sikh, Ror and Tyagi residing in Haryana State had been declared Special Backward Classes, which was subsequently superseded vide instructions dated 15.7.2014 according to learned counsel for the State has consequently become inoperative and infact stands withdrawn vide notification dated 1.4.2016 (Annexure

R-2). Therefore, according to the learned counsel for the applicant-State, the present petition has been rendered infructuous.

Learned counsel for the petitioners submits that the present petition has though indeed become infructuous; however, she be given liberty to file a fresh petition in case reservations are again provided to the said five castes or any of them.

The writ petition is accordingly dismissed as infructuous with liberty as prayed for by the learned counsel for the petitioners.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

12.04.2016
A.Kaundal