

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

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**CWP-16936-2015
Decided on 15.02.2017**

ANITA KHOBRA

....PETITIONER

VS

**CHAUDHARY CHARAN SINGH HARYANA AGRICULTURE
UNIVERSITY, HISAR AND ANOTHER**

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ravinder Malik, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

AJAY TEWARI, J.(Oral)

In this case the petitioner has challenged the action of the respondent for not giving him appointment to the post of School teacher. The respondent had advertised two posts of School teacher, one of General category and one of Schedule caste Sports category. The petitioner was a non-sportsman Schedule caste candidate and consequently applied for the General post. The argument is that, since no Sportsman from the Schedule caste Category had applied for the job she should have been appointed to the post of Schedule caste sports person on the basis of horizontal reservation. On the other hand the argument of the learned counsel for the respondent is that horizontal reservation is not a stand-alone concept and can be resorted to only within a vertical reservation.

In my opinion, this argument is correct. Resort can be had to

horizontal reservation if there are various posts advertised in a main category of which there are smaller parts also. For instance, if there are 10 posts reserved for Schedule caste candidates and out of them some are reserved for Schedule caste-A, some of them Schedule caste-B, some of them Schedule caste-Sportsperson and some for Schedule caste-ESM and candidates of one category or the other are not available then resort may be had to horizontal reservation and Schedule caste candidate of another category may be appointed but this would not apply where, as in the present case, only one post of Schedule caste sports candidate has been advertised. To the same effect the instructions are annexed as Annexure R-1. Rather in those instructions another requirement has been made that horizontal reservation can be resorted to only after 1 attempt at re-advertisement. Both these conditions are not available in the present case.

Petition stand dismissed.

15.02.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No