

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25443-2016 (O&M)

Date of Decision:-01.12.2017.

Sandeep Kumar

.....Petitioner

Versus

State Bank of India and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sunil K. Nehra, Advocate for the petitioner.

Mr. Vikas Chatrath, Mr. Manreet Singh Sidhu and
Mr. Mandeep Kaur, Advocates for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the order/letter dated 11.05.2015 (Annexure P-5) by which order of appointment issued to the petitioner for the post of Assistant under OBC category dated 04.05.2015 has been withdrawn.

The petitioner was a candidate for recruitment to the post of Assistant in the respondent-Bank. He was selected and appointed under OBC category. To that extent order of appointment was issued on 04.05.2015. In the meanwhile on 17.03.2015, Supreme Court in the case of **Ram Singh and others Vs. Union of India** reported in **2015(3) JT 159** has held that Jat Community reservation is impermissible. Para 55 reads as under:-

“55. For the various reasons indicated above, we cannot agree with the view taken by the Union Government that Jats in the 9 (nine) States in question is a backward community so as to be entitled to inclusion in the Central Lists of Other Backward Classes for the States concerned. The view taken by the

NCBC to the contrary is adequately supported by good and acceptable reasons which furnished a sound and reasonable basis for further consequential action on the part of the Union Government. In the above situation we cannot hold the notification dated 4.3.2014 to be justified. Accordingly the aforesaid notification bearing No. 63 dated 4.3.2014 including the Jats in the Central List of Other Backward Classes for the States of Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, NCT of Delhi, Bharatpur and Dholpur Districts of Rajasthan, Uttar Pradesh and Uttarakhand is set aside and quashed. The writ petitions are accordingly allowed.”

While issuing notice of motion, it was directed to the respondents to consider petitioner's name under General Merit category, if he is otherwise eligible.

Learned counsel for the respondents pointed out that petitioner is not eligible in General Merit category having regard to the age factor to the extent that he is over age for the General Merit category. In view of these facts and circumstances petitioner is not fit into the exempted categories as ordered on 12.04.2016 in IA No.15 and 16 and other connected matters by the Hon'ble Supreme Court (R-1/1). In the light of the above discussion, petitioner has not made out a case so as to interfere with the communication dated 11.05.2015 (Annexure P-5).

Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

December 01, 2017.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes / No

Yes / No.