

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

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**CWP No.25116 of 2017 (O&M)
Date of decision: November 13, 2017**

Mohit Seherawat

....Petitioner

versus

The State of Haryana and others

....Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL***

Present: Mr. Gaurav Sharma, Advocate for
Mr. Parveen Bhardwaj, Advocate for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)
Civil Misc. No.16221 of 2017

This is an application filed under Section 151 of the Code of Civil Procedure, seeking withdrawal of the writ petition.

It has been averred in the application that inadvertently there are some typographical mistakes in the memo of parties, in the prayer clause and in the head note of the petition and therefore, the present writ petition may be dismissed as withdrawn with liberty to the petitioner to file a fresh writ petition on the same cause of action by furnishing better particulars.

After hearing learned counsel for the applicant-petitioner and perusing the averments made in the application, which is supported by an affidavit of the petitioner, the Civil Miscellaneous Application is hereby allowed and the applicant-petitioner is permitted to withdraw the writ petition with liberty as prayed for.

CWP No.25116 of 2017

The prayer in this petition filed by way of public interest litigation under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari for setting aside the notifications dated 23.01.2013, 27.09.2013 (Annexures P-2 & P-3) respectively and instructions dated 15.07.2014 (Annexure P-4) issued by the Government of Haryana granting vertical reservation to the economically backward persons from general category (EBPG) being contrary to the provisions contained in Articles 15(4), 16(1) and 16(4) of the Constitution of India and judgment of the Hon'ble Supreme Court in **Indra Sawhney vs. Union of India, 1992 Supp. (3) SCC 217**. Further prayer has also been made to restrain the respondents to make public appointments under the economically backward persons from General category (EBPG) in all the pending processes of posts provided in Advt. No.Rectt./HPUs/GATE-2017 issued by the Haryana Staff Selection Commission.

2. In view of the order of even date passed in Civil Misc. No.16221 of 2017, the present writ petition stands dismissed as withdrawn with liberty as prayed for.

3. However, the grant of permission to file the petition as public interest litigation shall not preclude the Bench from testing the credentials of the petitioner viz-a-viz the **Maintainability of Public Interest Litigation Rules, 2010**. In case, a fresh writ petition on the same cause of action is filed by the petitioner, the office shall tag the records of the present writ petition i.e. CWP No.25116 of 2016 as well as CWP No.18514 of 2016.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

November 13, 2017
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No