

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

CWP No. 7802 of 2017 (O&M)
Date of decision : April 19, 2017

Maninder Singh

..... Petitioner

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ranjit Saini, Advocate
for the petitioner.

Ajay Tewari, J (Oral)

The petitioner is a Rai Sikh and had applied for the post of Assistant Engineer. After the last date, the respondents notified Rai Sikhs as members of Scheduled Caste. The claim in this writ petition is that the petitioner should be permitted to change his category of reservation from erstwhile BC (A) to the new SC.

In my opinion, the claim is misconceived. In case submission of learned counsel for the petitioner is accepted its results would be that it will tantamount to deny equality of opportunity to all those candidates who became eligible like the petitioner after the issuance of the notification by the respondents-notifying Rai Sikhs caste as Scheduled Caste. Appropriate authority was well aware that many cases may be in the pipe line on the date of its issuance. If it was intended to make it retrospectively applicable they would have made a provision in the notification itself by making appropriate provision in it. This has admittedly not been done. Thus it can be inferred that it was never intended to be made retrospectively applicable

as has been urged by the learned counsel. Till the cut off date the petitioner was a member of BC and shall be considered in that category. For any future benefits, he will be considered as a SC candidate. Consequently, finding no merit in this writ petition, the petition is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

April 19, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No