

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

CWP-10678-2015

Date of decision: 01.08.2018

Mohammad Arif Khan

...Petitioner

V/s.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

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

Mr. Hitesh Pandit, Addl. A.G., Haryana.

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**RITU BAHRI, J. (Oral).**

The short question for consideration in the present case is that the petitioner is seeking appointment to the post of Pharmacist. As per the advertisement dated 23.08.2012 (Annexure P-1), 04 posts of Pharmacist in general category were advertised. The petitioner passed the screening test and participated in the interview on 09.02.2014. As per the merit list reflected in para 7 of the writ petition, the name of the petitioner is at serial No. 4 in waiting list of the general category.

The stand taken by the respondents in the written statement is that during the pendency of the writ petition, out of 04 posts, one post of the general category was withdrawn and it was reserved for economical backward class as per letter dated 23.01.2014 (Annexure RW-3/2). This conversion of the post has been done after the advertisement (Annexure P-1). However, one post reserved for economical backward class is still lying vacant.

After hearing learned counsel for the parties, this writ petition deserves to be allowed as the conversion of the post took place after

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advertisement. There is no occasion for any economical backward class candidate to make an application for this post and the petitioner who was at serial No. 4 in the merit list, has a right to be appointed on this post.

Hence, this writ petition is allowed and respondents are directed to issue appointment letter to the petitioner with all consequential benefits. He will not be entitled for arrears of the salary, however notional benefits will be given.

01.08.2018

Divyanshi

(RITU BAHRI)

JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |