

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

CWP-11234-2016 (O&M)

Date of decision: 25.5.2018

Naresh Rajoria

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mrs.Alka Chatrath, Advocate for the petitioner

Ms.Sudeepti Sharma, Addl.AG, Punjab

JITENDRA CHAUHAN, J.

The present petition under Articles 226/227 of the Constitution of India has been filed for quashing the action of respondent No.3 in preparing the joint selection list for the post of Junior Coach in the Department of Sports, Punjab against Advertisement No.3/2012.

On 17.4.2018, the following order was passed by this Court:-

“As per the merit list, respondent No.5, namely, Johny Bhatia shown at Sr.No.12, B.C category candidate scored 66% marks which are much higher than the general category candidates, however, he has been shown to be selected against a reserved vacancy which is grossly against the dictum of law laid down by Hon'ble the Supreme Court in *R.K.Sabharwal and others Vs.*

State of Punjab and others 1995 SCC (2) 745. On the last date of hearing, the respondents were directed to file a specific reply stating the reasons for preparation of the faulty merit list. As per the affidavit filed on behalf of Secretary, in order to prepare the final list rationale as there is no reservation for each sports game, therefore, a common merit list across all the categories as well as the games was not possible. This is not the domain of the SS Board to interpret. This is contrary to the will of the Supreme Court, therefore, it is directed that respondent No.5 being higher in the merit be first adjusted towards general category vacancy and the slot vacated by him be offered to next B.C category candidate.

Post again on 25.05.2018.

Compliance report be furnished a week prior to the adjourned date.

In the meantime, reply on behalf of the remaining respondents be filed.”

In compliance of the above, Additional Affidavit of Secretary, Subordinate Selection Service Board, Punjab has been filed by learned State counsel. The same is taken on record.

As per the said affidavit, the Board has recommended the name of respondent No.5- Johny Bhatia against the post of General Category and resultantly, one post falling vacant in BC Category for which, name of the

petitioner has been recommended for appointment letter No.1/72/2011-2E (SSSB)/964 dated 15.5.2018 (Annexure R-1).

In view of the affidavit (Annexure R-1), the present petition is allowed with further direction to the State to look into the remaining issues and in case, the petitioner represents to the competent authority, the same shall be considered as per law. The respondents-State shall also deposit the costs of Rs.25000/- with the High Court Lawyer's Welfare Fund, after recovering the same from the official responsible for conducting himself against the settled law of the land. The amount so deposited by him be not reimbursed to such an official in any manner and same be entered in his service book.

25.5.2018
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No