

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

**CWP No.29126 of 2017 (O&M)
Date of decision: 18.08.2018**

Gurdeep

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Malik, Senior Advocate,
with Mr. Sandeep Dhull, Advocate,
for the petitioner.

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

Ritu Bahri, J.

The petitioner is seeking direction to the respondents to consider his claim for appointment as Constable against 12 posts of Ex-servicemen SC category remained vacant due to non availability of the candidates from the waiting list of SC category.

Facts not in dispute are that the petitioner had applied for the post of Constable in Haryana Police under SC category. As per advertisement, 14 posts were reserved for Ex-servicemen SC category. However, 12 posts of Ex-servicemen SC category remained vacant due to non availability of the suitable candidates. Only 09 candidates were in the waiting list of SC category, as detailed in para No.8 of the petition.

A similar issue came up for consideration before this Court in

Dharambir Singh and others vs. State of Haryana and others, CWP

the clarification dated 04.04.2014 issued by the Chief Secretary, whereby it was clarified that in case no suitable candidate is found for appointment against the posts meant for ESM (SC/BC/General), the same be filled up from the main category i.e. SC, BC or General category respectively and there is no need to re-advertise the vacancy. The benefit of this clarification had not been extended to the petitioners (in that case). Ultimately, the writ petition was allowed following the judgment passed by this Court in **Garima Jindal vs. Haryana Vidyut Parsaran Nigam Ltd. and another,** CWP No.13384 of 2011 (decided on 06.08.2012). The respondent-State did not file any LPA against the said judgment, therefore, the same had attained finality.

In the present case, learned counsel for the petitioners has placed on record copy of judgment passed in **Rakesh Kumar vs. State of Haryana and others,** CWP No.27127 of 2017, decided on 04.12.2017 (Annexure P-11), whereby the petitioners were seeking the same benefit of appointment after converting the posts advertised in the Ex-servicemen Category to the General Category. The said petition was allowed. Similar orders have been passed in **Dharmender Lakra and others vs. State of Haryana and others,** CWP No.21343 of 2014, decided on 15.03.2017 (Annexure P-8) by following the judgment passed in **Dharambir Singh's** case (supra).

The present case is squarely covered by the aforesaid judgments passed by this Court.

Accordingly, this petition is allowed and a direction is being given to the respondents to fill up 12 posts of Ex-servicemen SC category, which remained vacant due to non availability of the candidates, from the waiting list of SC category, as per merits. This process be completed within

a period of four weeks from the date of receipt of certified copy of this order and compliance report thereof, be sent to this Court.

18.08.2018
ajp

(RITU BAHRI)
JUDGE

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