

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 05 .04.2018****CWP No.6256 of 2018**

Vinod Kumar

...Petitioner

Vs.

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. Satya Vir Singh Yadav, Advocate,
for the petitioner.**RAJIV NARAIN RAINA, J. (ORAL)**

The policy 07.10.2008 issued by the Chief Secretary to Government Haryana on the subject of 'Reservation of jobs for Outstanding Sports Persons in Group 'C' and 'D' in direct recruitment' clarifies that if suitable candidate from 'Outstanding Sports Persons' is not available in a particular category, then the vacancy will be filled up from amongst the same category. The policy proceeds to give an example to say that if suitable candidate belonging to General Category of Outstanding Sports Person is not available, then the post can be filled up from amongst the candidates of General Category, likewise in the other categories.

Further as per Haryana Government instructions dated 02.07.2010 and 23.05.2014 on 'Reservation of posts for Ex-servicemen in direct recruitment to the Class III & IV posts' the same prescribe that in case no candidate is found suitable for appointment, the vacancy reserved for ESM of a particular category will be filled from amongst the same category

candidate. For example, if suitable candidate belonging to Scheduled Castes of ESM category is not available, then the post can be filled up from amongst the candidates of Scheduled Castes. The same procedure shall be followed in the other categories also.

These instructions foreclose the case of the petitioner, who is a wrestler at school level, for appointment as a Heavy Vehicle Driver in the selection process in progress under Advertisement No.4/2017 dated 18.05.2017. The petitioner has approached this Court on the ground that only one candidate qualified for interview, whereas 20 candidates have been selected in OSP (BC-B) category. This is a combination of vertical and horizontal reservation.

During the course of preliminary hearing, I asked the learned Law Officer representing the State of Haryana to produce instructions on the subject and that is how the instructions dated 07.10.2008 and the brief note of the Haryana Staff Selection Commission, Panchkula has been produced, which are retained on record.

The petitioner has not been found eligible and the remaining vacancies have been diverted to the social reservation. The petitioner qualifying the driving proficiency test is of no avail. The mystery of selecting one candidate from OSP (BC-B) category and declaring results of 20 candidates is solved.

Accordingly, no ground for interference is made out and the present petition stands dismissed.

05.04.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>