

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 18.01.2018****CWP No.944 of 2018**

Sombir

...Petitioner

Vs.

The State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ajay Vijarania, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. Note-3 of the terms & conditions of the advertisement at pp.31 of the paper-book confers a right on dependent of freedom fighter (General) to the extent of 2% of the reserved quota of Ex-servicemen or Backward Classes remaining unfilled. Note-3 reads as follows:

“Note 3. If the quota reserved for Ex-servicemen or Backward Classes remains unfilled due to non-availability of suitable Ex-servicemen or their dependents or non-availability of suitable candidates from Backward Classes there will be 2% reservation for freedom fighter/their children/grand children to that extent.”

2. Learned counsel for the petitioner submits that 7 vacancies remain unfilled in BCA-ESM category.

3. If Note 3 has to be given effect to, it would require many more vacancies/posts than 7 to accommodate the prescribed percentage of reservation. There would have to be at least 50 vacant posts before one dependent of freedom fighter, like the petitioner, can be considered for

promotion. Therefore, I find no way to give any relief to the petitioner and would dismiss the petition.

4. However, the question; whether reservation still deserves to be given to the dependents of freedom fighters even after 70 years, is left open to be decided in an appropriate case.

18.01.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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