

**CM-3106-3107-LPA-2017
LPA-1454-2017 (O&M)**

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

**CM-3106-3107-LPA-2017
LPA-1454-2017 (O&M)
Date of Decision: August 06, 2018**

Anita Khobra

.....Appellant

Versus

Chaudhary Charan Singh Haryana Agriculture University, Hisar and another
.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.J.S.Gill, Advocate for the appellant.

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SURYA KANT, J.(ORAL)

CM-3106-LPA-2017

For the reasons mentioned in the application, the same is allowed and delay of 11 days in filing the appeal is condoned.

CM stands disposed of accordingly.

CM-3107-LPA-2017

For the reasons mentioned in the application, the same is allowed and delay of 58 days in re-filing the appeal is condoned.

CM stands disposed of accordingly.

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The appellant belongs to reserve category of Scheduled Castes. She applied against two posts of 'School Teachers' advertised by the respondent-University, out of which one was reserved for 'Scheduled Castes-Sports Category'. The appellant is not a sports person though, as noticed

above, she belongs to 'Scheduled Caste' category. No Scheduled Caste Sports person applied for the advertised post. The appellant though had applied but in 'Open Category' for the obvious reason that she is not a 'Sports Person'. She was called for the interview but eventually not selected on the ground that she does not belong to Scheduled Castes Sports Person category.

[2] The appellant approached this Court, but her writ petition was dismissed by learned Single Judge on the ground that she cannot claim horizontal reservation. The appellant on the other hand relies upon the Government Instructions dated 07.10.2008 (Annexure P5), para 2 of which reads as follows:-

“2. The matter has been considered by the State Government and it is clarified that if suitable candidate of 'Outstanding Sports Persons' is not available in a particular category, then the vacancy will be filled up from amongst the same category. For example if suitable candidate belonging to General Category of Outstanding Sports Person category is not available, then the post can be filled up from amongst the candidates of General Category like wise in the other categories.” [emphasis applied]

[3] It appears to us that appellant's claim in the light of the above referred Government Instructions requires re-consideration by the authorities. Since impact of these instructions have not been discussed by learned Single Judge, we dispose of this appeal; modify the order of learned Single Judge and further dispose of appellant's writ petition with a direction to the respondent-University to re-consider and decide the claim of the appellant by way of a reasoned order in terms of above stated Haryana

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passed within a period of three months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

August 06, 2018
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(SUDIP AHLUWALIA)
JUDGE

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |