

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

**CWP No.3776 of 2019 (O&M)
Date of decision: 22.02.2019**

HC Narender Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vishal Nehra, Advocate,
for the petitioners.

Ms. Palika Monga, DAG, Haryana.

Ritu Bahri, J.

Petitioners are seeking direction to the respondents to depute them to intermediate school course. As per petitioners, their juniors have been deputed for the above said course.

Upon notice, short reply has been filed by the Additional Director General, Haryana Armed Police, Madhuban, wherein it has been stated that seniority in the rank of Head Constables is maintained at the Range level as per order of merit in the Lower School Course in list C-1. It has been further stated that as per instructions issued by the Government on 15.05.2015, 20% reservation to Scheduled Caste category employees was to be given in promotion w.e.f. 01.04.2013. These instructions were challenged by one Dinesh Kumar by filing CWP No.11073 of 2015, wherein operation of the instructions was stayed. Thereafter, instructions

were issued by the DGP, Haryana on 24.07.2015 directing that result of B-1 list of 2014 be declared and the seats meant for candidates belonging to Scheduled Caste category under 20% reservation in the lower School Course 2014 be prepared, but need not to be declared. Result for rest of the 80% seats meant for all categories for Lower School Course, 2014 was to be declared as per existing Rule 13.7 of PPR. It has been further stated that 150 seats were allotted to HAP Range in B-1 test 2014. Out of 150 allotted seats, 30 seats were kept reserved under 20% SC category quota and 80% i.e. 120 candidates were deputed for the Lower School Course, 2015 in HPA, Madhuban. A list of 10 candidates has been given, who had passed B-1 test in 2014, but were not deputed for Lower School Course in the year 2015 because 30 seats were kept reserved under 20% SC category.

Some Constables of District units appeared before the DGP, Haryana and contended that some constables were deputed in Lower School Course in excess to 80% seats by consuming the seats meant under 20% quota and requested to depute them in Lower School Course. Later on, this position was clarified by the DGP, Haryana vide letter dated 06.02.2017. It was directed to utilize 20% seats kept pending in the year 2014 by deputing Constables in Lower School Course under 55% and 35% quota (Male & Female) as per their merit, for which, a special batch was started w.e.f. 01.03.2017 at HPA, Madhuban. Thereafter, seniority of Constables, who had passed the Lower School Course in Special Batch No.63 and were deputed against 20% quota, was fixed in the batch of 2014, against which, they had not been deputed, subject to final decision of CWP No.11073 of 2015. Copy of order dated 17.05.2018 has been annexed as Annexure R-1.

The seniority of private respondent Nos.6 to 13, who passed Lower School

Course in Batch No.62 and private respondent No.14, who passed Lower School Course in Batch No.63, was re-fixed in Batch No.61. Their names were approved for Lower School Course for the year 2014 under 20% category. Hence, private respondent Nos.6 to 14 in Batch No.61, became senior to petitioner Nos.1 to 3 as the petitioners have passed the Lower School Course in Batch No.62. In para No.9 of the reply, details of the batchmates of the petitioners. Last candidate namely HC Narender Kumar, who has been sent in General category, is from Batch No.60. His order of merit is 198 (a)/1160.

In the case of petitioner No.1, he is from SC category. His Batch number is 62. HC Udheybhan is the last candidate sent in the said category from Batch No.61. His order of merit is 203 (a)/1160. Hence, no person, junior to the petitioners, has been sent for the intermediate school course.

In view of the reply filed, no direction as sought for, is required to be given.

Dismissed. However, the petitioners are at liberty to challenge the seniority order.

22.02.2019
ajp

(RITU BAHRI)
JUDGE

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