

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

CWP No.25511 of 2019 (O&M)

Date of Decision.12.09.2019

Aman Kumar

...Petitioner

Vs

State of Haryana and another

...Respondents

Present: Mr. Ravi Kamal Gupta, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner has sought indulgence of this Court under Article 226 of the Constitution of India for issuance of writ in the nature of mandamus directing respondent No.2-Haryana Public Service Commission for calling the petitioner for interview for the post of Assistant District Attorney (Group B) as well as taking decision on representations dated 23.06.2018 (Annexure P-4) and 16.05.2019 (Annexure P-8) and further keeping one post reserved for petitioner under DESM-SC Category.

Facts which emanate from pleadings are that petitioner in response to the advertisement dated 9.5.2017 (Annexure P-1) for filing up 190 posts of Assistant District Attorney (Group-B) in Prosecution Department, Haryana with closing date 08.06.2017, applied for the same under SC Category.

Mr. Ravi Kamal Gupta, learned counsel appearing on behalf of the petitioner submitted that father of petitioner was serving in BSF since 1995 and retired on 30.04.2018 and in this regard, on 3.5.2018 approached respondent No.2 for change of category from SC to DESM-SC but his request was not accepted as there was no provision. In the meantime,

Haryana Public Service Commission declared result on 23.04.2019,

however, result of SC Category has not been declared. On perusal of result, petitioner acquired knowledge that under DESM-SC category he was not found eligible and in this regard, submitted another representation dated 16.05.2019. However, posts are still lying vacant under DESM-SC category and he will be satisfied if direction is issued to respondents for deciding representations *ibid*. In support of aforementioned contention, relied upon judgment rendered by Division Bench of this Court in **Union of India and others Vs. Dharambir and others** in CWP No.16893 of 2015 decided on 03.11.2016 wherein Division Bench of this Court permitted the petitioner to submit reservation certificate which he was not possessing at the time of submission of application, though had exercised the option.

I have heard learned counsel for petitioner, appraised the paper book and of the view that there is no force and merit in submission of Mr. Gupta, for, last date for submission of the application was 08.06.2017. Undisputedly, petitioner had opted for SC Category and event which had occurred during the pendency of selection process, cannot come to rescue of petitioner owing to expiry of last date. If at all, father of petitioner had retired from BSF, benefit of being dependent of Ex-serviceman would be available in future recruitment process but not in the manner and mode as sought through present writ petition.

Writ petition sans merit and accordingly dismissed.

(AMIT RAWAL)
JUDGE

September 12, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No