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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP NO.27837 OF 2019(O&M)
Date of Decision: 01.11.2019

Roshan Lal and anotherPetitioners

versus

State of Punjab and othersRespondents

CORAM HON'BLE MR. JUSTICE ARUN MONGA

Present Mr.H.C.Arora, Advocate for the petitioners.

ARUN MONGA, J (ORAL)

Inter alia issuance of a writ in the nature of mandamus has been sought commanding the respondents to implement Instructions dated 13.08.2019 (Annexure P-1), whereby the cabinet of Ministers of State of Punjab decided to extend 10% reservation for direct recruitment to group A,B,C and D to the residents of India who belong to Economically Weaker Section (for short 'EWS'). The petitioners claim that they belong to the EWS of the society and if the reservation of 10% had been provided for in to the Advertisement, they would have had a fair chance of selection in EWS category.

On advance service of copy of petition, learned State Counsel Mr. P.S.Bajwa, Additional A.G., Punjab appears and opposes the issuance of notice in the writ petition on the ground that the entire premise of seeking such a mandamus is misplaced. He points out that the advertisement was issued on 09.03.2019 much prior to the Instructions dated 13.08.2019 and the same in any case have not been issued retrospectively and are

prospective in nature.

Having heard the rival contentions of the learned counsel, I am not able to persuade myself from the contentions of the learned counsel for the petitioner that though the Instructions are dated 13.08.2019 but the same refer to an earlier decision dated 28.05.2019 taken by the Government to create 10% reservation in EWS category. The earlier decision relied upon by the learned counsel for the petitioner is also later than the date of advertisement.

Seeing from any angle, the writ petition is thus devoid of any merit.

I may hasten to add here that having unsuccessfully participated in the selection process, a candidate cannot turn around later and challenge the entire selection. It was open to the petitioners to challenge the advertisement prior to their having participated in the process. Having not done so, the writ petition, at this stage, cannot be entertained in the extra ordinary jurisdiction. The same is dismissed.

01.11.2019
mamta

(ARUN MONGA)
JUDGE

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