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CWP-1776-2019

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

CWP-1776-2019

Date of Decision: 27th February, 2020

Gurcharan Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr.Tejvir Singh Manes, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In compliance with the order dated 24.01.2020, reply by way of short affidavit of the Director, Health Services (Family Welfare), Punjab, dated 27.02.2020, has been filed in Court today, which is taken on record, copy thereof supplied to learned counsel for the petitioner. Petitioner has also filed an affidavit dated 26.02.2020, which is also taken on record.

Considering the claim of the petitioner, who asserted that inadvertently, he has mentioned the category to be considered as SC(R&O), whereas it should have been SC(M&B), his claim has been rejected as the certificate which was appended alongwith the claim of the petitioner shows that he belongs to SC (M&B) category. His further assertion was, that in any case his claim should have been considered against the general category seat, which also has not been done by the respondents, because of which the response of the respondents was called upon and in pursuance thereto, affidavit dated 27.02.2020 has been filed, according to which, claim of the

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petitioner for appointment in the general category could not be considered for the reasons that the age prescribed under the rules is 37 years and below, whereas the petitioner was 38 years of age and his application was accepted keeping in view that he belongs to a Scheduled Caste category. Since the petitioner has taken benefit of the category of Scheduled Caste qua the relaxation of his age, therefore, his claim against the said post of general category could not be considered.

As regards the Scheduled Caste (R&O) and Scheduled Caste (M&B) categories are concerned, 126 and 127 posts were reserved for these categories and none of the posts in these categories is vacant as all the posts have been filled up. This, the counsel for the State submits, on instructions from Shri Satnam Singh, Clerk, O/o Director, Health Services (Family Welfare), Punjab.

In the light of the above and keeping in view the fact that the claim of the petitioner cannot be entertained against the general category for the reasons as stated above, the present writ petition stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

27th February, 2020

Nisha

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No