

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

CWP-14586-2020

Date of Decision:-**16.9.2020**

HUSHAN LAL AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gopal Sharma, Advocate
for the petitioners.

Mr. R.S. Budhwar, Addl. A.G., Haryana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking issuance of a direction in the nature of Mandamus so as to grant them benefit seniority on account of their appointment against backlog vacancies in the reserved categories against which the petitioners were appointed.
2. Learned counsel for the petitioners has submitted that no recruitment was made to the post of Assistant Engineers in the respondent-department i.e. Department of Irrigation and Water Resources during the period w.e.f. 1982 upto the year 1995, although various directions had been issued by the State Government for filling up the backlog in the reserved categories. It is submitted that it was in the year 1996 that the recruitment process for filling up posts of 44 posts of Assistant Engineer was undertaken by the respondent-department and against which 36 persons were selected out of which 7 were from Scheduled Caste category and 4 were from Backward Class category. It has been submitted that since majority of the said posts

were the backlog of the reserved category posts, therefore, the petitioners who had been selected against the said posts ought to have been granted seniority on account of the backlog posts and should have been made senior, in any case viz-a-viz other persons selected during the said selection process if not from the date when the backlog vacancies had accrued.

3. I have heard learned counsel for the petitioners.
4. Even if it is taken that a substantial number of posts amongst the posts advertised in the year 1996 were backlog of the reserved category posts, but the petitioners in any case cannot claim seniority by stating that their selection has to relate back from the accrual of such vacancies in the reserve category. Even the Roster system is meant only for the purpose of giving representation to the reserved categories and roster points cannot be interpreted to mean seniority points. The petitioners cannot claim any seniority over and above other persons who are selected in the same recruitment process and the seniority, in any case, has to be fixed on the basis of merit amongst the said candidates who had been selected in the same selection process. The petition, as such, is sans merit and is hereby dismissed.
5. Needless to mention that respondents may take necessary steps as required for the purpose of filling up all the vacant posts including the posts meant for reserved categories.

(GURVINDER SINGH GILL)
JUDGE

16.9.2020
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No