

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

CWP-10664-2018
Date of Decision: 03.12.2021

Surender Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ram Darshan Yadav, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petitioner herein *inter alia* seeks issuance of a writ in the nature of mandamus to direct the respondents for issuing him an appointment letter, claiming himself to be a successful candidate on the post of Heavy Vehicle Driver, having participated in the selection pursuant to advertisement dated 18.05.2017 (Annexure P-1).

It transpires that even though Government of India vide Notification dated 23.11.2012 (Annexure P-8) notified that the employees of the Border Security Force are to be treated at par with other Ex-Servicemen from the defence service, but yet for the reasons known to the State Government, while issuing the advertisement dated 18.05.2017, it was specifically stated therein that ex-employees of Border Security Force shall not be treated as Ex-Servicemen.

Petitioner applied and also participated in the selection process under the category of ESM. It appears that under the *bonafide*

mistake, which may have been caused by the Government of India's circular *ibid* stating that BSF employees are to be treated as Ex-Servicemen, application of the petitioner was entertained in ESM category. Whereas, the advertisement specifically prohibiting the BSF employees to apply under the Ex-servicemen category. Later, on realising their own advertisement clause, the candidature of the petitioner was rejected. Rightly so, in order to negate the unfair advantage to the petitioner over all those others, who did not apply due to specific advertisement clause of ex BSF to be not treated as ESM.

It was open for the petitioner to challenge the advertisement in view the Government of India circular *ibid*. However, he chose not to do so. Having once acquiesced to the same, he cannot, at this stage, turn out as an unsuccessful candidate to seek benefit of Government of India's circular. As stated, the advertisement, at no stage, was challenged by him either before or after rejection of his candidature.

No grounds for interference are made out.

Dismissed.

03.12. 2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No