

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

CWP-17408-2017 (O&M)

Date of decision: December 07, 2021

Kuldeep Singh

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Harish Bhardwaj, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

CM-13709-CWP-2021

Allowed as prayed for, subject to all just exceptions. Document contained at Annexure P8 is taken on record.

Main case (O&M)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to appoint the petitioner against the posts, which were left unfilled in the Quota of Ex-Serviceman General Category, as these posts are in horizontal reservation and the same cannot be kept vacant as per instructions dated 02.07.2010 (Annexure P4) and 23.05.2014 (Annexure P5).

Learned counsel for the petitioner submits that the petitioner belongs to General Category. He had applied for the post of Mali as per advertisement No.5/21013 on 19.08.2013. Name of the petitioner was declared in the waiting list of General Category. He submits that seats under

Ex-Serviceman General Category remained unfilled/ vacant due to non-availability of ESM candidates.

Learned State counsel submits that the petitioner is at Sr. No.7 of the merit list. There were only six vacancies of Mali in the ESM category and all six candidates higher in merit have joined. The petitioner cannot be accommodated being at Sr. No.7.

In the aforesaid premise, I do not find any ground for interference. Concededly, result is not under challenge and the appointments have also been made in accordance with the merit list, which cannot be interfered with.

Dismissed.

Pending applications, if any, also stand disposed of.

(ARUN MONGA)
JUDGE

December 07, 2021

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No