

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

CWP-6060-2021 (O&M)

Date of Decision: 21.09.2022

Monu	Versus	Petitioner
Haryana Public Service Commission and others		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Shreenath A. Khemka, Advocate
for the petitioner.

Ms. Mamta Singla Talwar, D.A.G., Haryana.

Mr. Kanwal Goyal, Advocate and
Mr. Govind Tanwar, Advocate for respondent-HPSC.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing Advertisement dated 26.02.2021 (Annexure P-1) qua various posts to the extent that it vertically bifurcates the horizontal reservation in the ESM Category between different Caste categories.

2. The case of the petitioner is premised on the ground that he since belongs to ESM Category as he is an Ex-Serviceman belonging to BCA Category but the vertical bifurcation of ESM Category in his case has been confined only in BCA and he has been not allowed to seek the benefit of his being an Ex-Serviceman in General Category which amounts to violation of the mandate contained in Article 16(1) of the Constitution of India and hence the challenge to the Advertisement (Annexure P-1).

3. I have heard the competing contentions of the learned counsel for the parties.

4. In the return filed by the State, following unequivocal stand has been taken in para No.4 thereof:

“4. That another contention of the petitioner is that he has been restricted only to the posts reserved for ESM (BC-A Category). In this regard, it is submitted that the petitioner can compete not only against the ESM-BCA Category, but can also compete against the posts reserved for BC-A Category and also against the post of ESM seats of General Category. Thus, the contention of the petitioner is wrong and is hence denied.”

5. In view of the aforesaid, nothing survives for adjudication in this Court as the State made the position very clear that Ex-Servicemen have been given horizontal reservation across board in the vertical of General Category as well as the BC-A Category to which the petitioner belong. It appears that the petitioner was misled into filing the present petition that he has not been given a chance to compete in General Category under the ESM Category. Being not so, no grounds to interfere is made out.

6. Dismissed.

(ARUN MONGA)
JUDGE

September 21, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No