

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

CWP-10728-2022 (O&M)

Date of decision: May 19, 2022

Kuldeep Dahiya

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sunil K. Nehra, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for Mandamus directing the respondent-Haryana Staff Selection Commission to consider the candidature of the petitioner in the General Category qua advertisement No.12/2019 on 20.07.2019 (Annexure P-1) against category No.18.

2. Petitioner is an aspirant for the post of Store-Keeper. An advertisement dated 12/2019 was issued by the respondent-Haryana Staff Selection Commission on 20.07.2019. Pursuant thereto petitioner applied under the ESP-General Category. Petitioner remained successful in written examination, followed by scrutiny of documents which were duly uploaded online. Since petitioner did not have the Sports certificate, he mentioned in the scrutiny application that he is not claiming any reservation, though he had applied under the sports persons category. Petitioner apprehends that the Commission will not consider the petitioner even in General Category, since has not uploaded his Sports certificate for reserved category.

3. Heard.

4. Selection is still under way and *prima-facie*, it appears that the writ petition has been filed prematurely. However, petitioner fears that third party right may accrue qua a candidate who may be considered in General Category, prior to his claim, in view of his having opted for Eligible Sports Persons General Category.

5. As noted, petitioner had opted for ESP General Category, but it transpires that due to certain reasons, he was unable to get the requisite Sports Gradation certificates from the Department of Sports. Therefore, in all likelihood, he will be held ineligible to be considered in sports category. Be that as it may, aforesaid contention is being noted only to make the respondents aware that regardless of a person opting for any reserved category, he is deemed to be eligible for being considered in General Category, subject of course, to his position in merit list. In case, reserved category candidate obtains more marks than the last selected candidate general candidate, needless to say he is entitled to the benefit of his performance in General Category, regardless of his ineligibility in reserved category.

6. Petition is disposed of with aforesaid observations.

(ARUN MONGA)
JUDGE

May 19, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No