

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

226

CWP No.24608 of 2018

Date of decision: 08.12.2022

Vijender Singh

..Petitioner

Vs.

State of Haryana and Others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Sandeep Singh Mann, AAG, Haryana.

Mr. Kanwal Goyal, Advocate for respondent No.2.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present petition, the grievance of the petitioner is that no one has been appointed in the category of the physically handicapped though, two posts were reserved in the subject of Sanskrit one each for visually handicapped and for orthopedic handicapped. As per the petitioner, while declaring the result, none of the posts reserved in physically handicapped (VH) or physically handicapped (Ortho) has been filled and the same has been treated as the part of the general category. After notice of motion the respondent has submitted that a bare perusal of the advertisement (Annexure P-4) shows that there were total 39 posts which were to be filled in various categories and the two posts which were duly filled from the physically handicapped candidates, were part of the said 39 posts and could have been filled from any category wherever available and in the present case, two general category candidates who were physically handicapped, have already been appointed. Learned counsel for the petitioner further submits that result Annexure P-9 would show that total 39 candidates have

already been appointed which includes two handicapped candidates which satisfied the requirement of the advertisement.

There is no replication to the written statement filed on behalf of respondent.

Though, no one appeared on behalf of the petitioner to press the present petition, a bare perusal of the advertisement Annexure P-4 would show that out of the total posts advertised in each subject, which were advertised in various categories, the number of posts to be filled up out of the said total posts from the physically handicapped candidates were also mentioned. Those posts to be filled by physically handicapped candidates were not over and above the total number of posts advertised but were included in total posts to be filled up from various categories and where physically handicapped candidate is available and has cleared the selection process he/she could be appointed.

In the subject of Sanskrit, the total number of posts were 39 out of which, two posts were given to the physically handicapped candidates. It is not a disputed fact that two posts have been given to the physically handicapped candidates, who happened to be of general category. That being so, no grievance can be made by the petitioner.

The petitioner has filed the present petition on a premise that two posts which were to be filled up in the physically handicapped category are over and above the total posts advertised, which is in correct. That being so, the arguments being raised by the learned counsel for the petitioner that the petitioner being a physically handicapped candidate was entitled to be appointed over and above 39 posts is in correct. The two physically

handicapped candidates, who were more meritorious than the petitioner and belong to the general category, have already been adjusted so as to fulfill the requirement of the advertisement.

Keeping in view the above, no ground is made out for any interference by this Court.

Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

December 08, 2022
Poonam Sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No