

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

CWP No. 12468 of 2016 (O&M)

Date of Decision: 24.08.2022

Yash Pal Rajoria

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Alka Chatrath, Advocate
for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab

MAHABIR SINGH SINDHU, J.

1. Present writ petition has been filed under Article 226 of the Constitution, *inter alia*, directing the respondents to appoint the petitioner against the post of Junior Coach (Swimming), General Category in pursuance of an Advertisement No. 3/2012 (Annexure P-5).

2. On 14.02.2020, after hearing both sides, the Co-ordinate Bench passed the following order:-

“It is the contention of the learned counsel for the petitioner that the petitioner belongs to 'Rajoria' caste which is Scheduled Caste in Uttar Pradesh but in Punjab it is not so treated. Petitioner who was earlier working in the Indian Railways applied for the post of Junior Clerk. The said application was forwarded by the Department of Railways on 29.08.2011 (Annexure P-6) where it was mentioned in the category column as SC as the petitioner was appointed being Scheduled Caste in the railways services where the petitioner was treated as Scheduled Caste. It is contended that even if the petitioner is not treated as Scheduled Caste which he is not in the State of Punjab, his candidature has to be considered under the General Category.

Learned State counsel prays for an adjournment to seek instructions with regard to the merits of the petitioner in General Category as it is asserted by the learned counsel for the petitioner that the petitioner stands at Sr. No. 3 in the merit list of General Category against the post of Swimming Coach for which 8 posts are earmarked out of which 5 posts are for General Category and 3 for reserved category.

Let specific affidavit be filed with regard to the merits of the petitioner in the Swimming Coach as Junior Clerk.

List on 04.03.2020 .”

3. In pursuance of the aforesaid order, compliance report by way of an affidavit dated 24.08.2022 of Sh. Kulvinder Kaur, Assistant Director, Subordinate Services Selection Board, Punjab, has been filed, which is taken on record. A copy thereof supplied to the opposite side.

Paragraph-3 of the aforesaid affidavit indicates that after consideration of the matter, name of petitioner has been recommended for appointment to the post of Junior Coach being higher in merit from General Category and recommendation in this regard is enclosed as **Annexure R-1**.

Another affidavit dated 24.08.2022 of Sh. Rajesh Dhiman, IAS, Director Sports, Punjab, has also been filed, and same is taken on record. A copy thereof supplied to the opposite side.

Paragraph-3 of this affidavit reveals that in pursuance of the recommendation made by the Subordinate Services Selection Board, the petitioner has been offered an appointment to the post of Junior Swimming Coach on 01.07.2022 and in pursuance thereof, he has already submitted his joining report.

4. In view of the above, learned counsel for the petitioner submitted that although his substantial prayer has been accepted by the

respondents; but petitioner may be granted the consequential service benefits, including fixation of seniority at par with respondent No. 4 (Umesh Priya), being lower in merit from General Category and to that extent, learned State Counsel is also not averse.

5. Consequently, this writ petition is **disposed off** with the direction that petitioner be granted the consequential service benefits at par with respondent No. 4 on notional basis, except seniority, which shall be fixed as per condition No. 12 of the appointment order dated 01.07.2022.

6. Ordered accordingly.

7. Pending application(s), if any, shall also stand disposed off.

August 24, 2022
'nitin/dk kamra'

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>