

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

141

2023:PHHC:071848

CWP-10669-2023

Date of decision: 17.05.2023

GAGANDEEP SINGH

..Petitioner

Versus

STATE OF PUNJAB AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Baltej Singh Sidhu, Sr. Advocate
with Mr. Gurbachan Singh, Advocate
for the petitioner.

Mr. Alankar Narula, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. The petitioner prays for the issuance of a writ in the nature of mandamus directing the respondents to strictly comply with the provisions of the Punjab Scheduled Caste and Backward Classes (Reservation in Service) Act, 2006 and communication dated 20.12.2021 issued by the reservation cell of Department of Social Justice Empowerment and Minorities, Punjab and subsequent instructions issued on 09.07.2009 and communication dated 20.12.2021 sent by the reservation cell of Department of Social Justice Empowerment and Minorities, Punjab.

2. The Act enacted by the legislature of the State, once notified, is deemed to be mandatory unless superseded or repealed. Similarly, the instructions issued by the government from time to time hold the same position. In the Court's considered opinion, issuing a blanket writ for implementation of the provisions of Act and instructions is not appropriate unless the petitioner alleges a specific infringement.

- 3. Keeping in view the aforesaid facts, the petitioner, if so advised, may file a proper petition challenging the recruitment notice while proving violation of the provisions of the aforesaid Act and the instructions.
- 4. Disposed of accordingly.
- 5. All the pending miscellaneous applications, if any, are also disposed of.

May 17th, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

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