

2023:PHHC:073137
137 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10758-2023 (O&M)
Date of decision: 18.05.2023

Jobanpreet Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. G.S.Bal, Sr. Advocate with
Mr. Dilshad S Gill, Advocate for the petitioner
Mr. Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. Through this writ petition, the petitioner prays for issuance of a writ in the nature of Certiorari to quash a communication dated 15.09.2022 vide which the clarification issued on 18.12.2020 has been withdrawn.

2. Learned senior counsel representing the petitioner contends that there is no justification in withdrawing the instructions dated 18.12.2020 as the original instructions issued on 20.12.2001 were impracticable/unfeasible. He further contends that the competent authority was not entitled to withdraw the instructions issued on 18.12.2020 in the absence of proper and adequate reasons.

3. This Court has considered the submissions and analyzed the arguments of the learned senior counsel representing the petitioner. In fact, the entire genesis of the controversy lies in instructions dated 20.12.2001 in which it was provided that a post left unfilled in the quota reserved for Balmikis, Majhbis, Scheduled Caste (Exserviceman) and Scheduled Caste (Sportsman) will be reserved upto 2% for vimukt jattis

and Bazigars. There was controversy with regard to the interpretation of the aforesaid instructions in **CWP-8833-2013** titled as ‘**Agya Pal and another vs. State of Punjab and others**’ decided on 23.03.2023, wherein this Court, after examining in detail the previous instructions, and the stand taken by the Government from time to time, interpreted that the instructions dated 20.12.2001 will operate only if the conditions/situations stipulated therein, in fact arise. The State of Punjab has enacted the Punjab Scheduled Caste and Backward Classes (Reservation in Services) Act, 2006, wherein various Scheduled Castes have been sub divided into four categories namely Balmikis, Mazhbis, Ramdassia and others. The persons belonging to Bajigars and vimukt Jattis are covered by the broader bifurcation of “others” however, in order to provide additional preference, in case the posts that are left unfilled for various categories noted above are available, only then the aforesaid instructions will be applicable. The clarification issued on 18.12.2020 was in conflict with the original instructions issued in the year 2001. Hence, these were withdrawn subsequently. The matter is in the realm of policy decision taken by the Government.

4. In view of the aforesaid facts and discussion, no ground to issue the writ, as prayed for, is made out.

5. Hence, dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

18.05.2023

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

(ANIL KSHETARPAL)
JUDGE