

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

CWP-13404-2012 (O&M)
Date of decision: 01.03.2023

Rajni Bala and others

....Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Arvind Rajotia, Advocate for the petitioners

Mr. Vikas Arora, DAG, Punjab

Mr. Gagandeep Singh, Advocate for respondent no.2

ANIL KSHETARPAL, J (Oral)

1. The petitioners pray for issuance of a writ in the nature of Mandamus directing the respondents to fill up the posts of Science Master/Mistress from the reserved category of the Backward Class. In substance, the petitioners claim that as per the instructions, a reserved category candidate, who secures more marks than the minimum cut off marks in the General category, he/she is required to be adjusted in the list of General category candidates and therefore, the petitioners may be appointed to the aforesaid posts.

2. On the contrary, the respondents, while filing the reply, has stated that the first counselling was held from 20.01.2011 to 28.01.2011 and 105 candidates belonging to the Backward Class category were considered in the list of General category candidates whereas in the second counselling held from 19.09.2011 to 23.09.2011, 4 Backward Class candidates were adjusted in the list of general category candidates.

It has been submitted that all the Backward Class category vacancies of the Science subject were duly filled by different counsellings.

3. After second counselling, third counselling was once again held from 30.11.2011 to 08.12.2011.

4. The petitioners have not impleaded the candidates selected under the General category as a party who will have to leave the service if the petitioners' claim is to be considered. The recruitment notice was issued on 20.11.2010 and 13 years have elapsed since then.

5. Keeping in view the aforesaid facts, the writ petition is bad for non-joinder of the necessary parties.

6. Hence, dismissed.

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

01.03.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE