

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

**CWP-12885-2013 (O&M)
Date of decision: 16.03.2023**

Anil Kumar

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashok Bhardwaj, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

Mr. S.P. Chahar, Advocate
for respondent Nos.3 to 11 and 13 to 15.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present is for issuance of a writ in the nature of certiorari quashing of result dated 10.04.2013 (Annexure P-5) for the post of Post Graduate Teacher (Political Science) (ESM Category) and Annexure P-5 (colly) declared by respondent No.2 and further quashing of selection/appointment of respondent No.6 and 9, who are dependant of Ex.-Servicemen, being in violation of Special Instructions (Annexure P-2) and the law settled by the Hon'ble Supreme Court in Dilban Singh Vs. State of Haryana, 1996(2) SCT 637 and to stay the operation of result dated 10.04.2013.

Learned counsel for the petitioner submits that respondent No.2-Haryana School Teachers Selection Board was constituted vide Notification dated 18.02.2012 issued by the Haryana Govt. School Education Department;

that thereafter, the special instructions were issued by respondent No.2, qua the reservations for various categories i.e. Scheduled Castes/Backward Classes /Physically Handicapped/ESM/Dependant of ESM/Dependent of Freedom Fighter/OSP only for domicile of Haryana and as per Haryana Govt. instructions; that the petitioner had applied for the post for PGT (Pol. Sc.) in BC Category, Sub-category ESM, in terms of the Advt., No.01/2012 dated 07.06.2012(Annexure P-1) issued by respondent No.2, wherein out of 285 posts of PGT Political Science, 14 were reserved for ESM; that the petitioner appeared for interview on 21.12.2012 and result was declared on 10.04.2013 and that though the petitioner is fully eligible but his candidature has not been considered for the post.

Learned counsel for the petitioner submits that as per Annexure P-2, 5% posts of ESM category is reserved for BC; that the petitioner belongs to BC category but appointment has not been given to him; that as per the knowledge of the petitioner, no BC candidate has been appointed in ESM Category and even the particulars of selected candidates do not show that any candidate from SC/BC sub-category has been selected in the ESM category and that even otherwise the new reservation policy of the State Govt. has come into force w.e.f. 28.02.2013 (Annexure P-8) vide which roster point No. 19 and 44 has kept reserved for ESM(BC-A) and 27, 54, and 81 for ESM(BC-B).

Learned State counsel and learned counsel for respondent Nos.3 to 11 and 13 to 15, draw the attention of this Court towards the letter dated 26.07.2001 (Annexure P-6) issued by the Chief Secretary to Govt. of Haryana, regarding reservation of jobs for outstanding sport persons in Group 'C' and 'D' in direct recruitment and letter dated 28.02.2013 (Annexure P-8)

issued by the Chief Secretary to Govt. of Haryana. The relevant extract of letter dated 26.07.2001 may read as under:-

“ XXXX

“Sub:- Reservation of jobs for outstanding sport persons in Group ‘C’ & ‘D’ in direct recruitment.

Sir,

1. I am directed to refer to Haryana Govt. letter no. 22/36/95-3G.S.III dated 20.07.1995 and letter No. 22/19/99-3G.S.III dated 14.07.2000, on the subject noted above, vide which the horizontal reservation for E.S.M. was originally provided at the ration of 10% & subsequently enhanced to 15% in direct recruitment to Class-III & IV posts.
2. The matter regarding reservation for outstanding sports persons in Govt. service had been under consideration of the State Govt. for some time and it has been decided to provided 3% horizontal reservation in direct recruitment in Govt. jobs in Group- ‘C’ & ‘D’ . By doing this the total horizontal reservation will increases from 15% to 17%. Revised horizontal reservation for E.S.M. as well as the outstanding sports persons will be adjusted as under:-

Sr. No.	Category	Percentage of Reservation
1	S.C.(A)	1% for E.S.M.
2	S.C.(B)	1% for E.S.M
3	B.C.(A)	2% for E.S.M.
4	B.C.(B)	3% for E.S.M.
5	General Category	7% for E.S.M.
6	S.C. (A& B)	1% by rotation for outstanding sports persons of A&B category of S.C.
7	B.C. (A&B)	1% by rotation for outstanding sports persons of A&B category of B.C.
8	General category	1% for general category of outstanding sports persons.

3. In view of 3% horizontal reservation in direct recruitment to the outstanding sports persons in Group ‘C’ & ‘D’ posts, the roster points for reservation from different categories in a block of 100 posts in each cadre would now be as follows:-
- i. Scheduled Castes (A&B)- 1% by rotation.

The roster point 25 should be given to SC category of outstanding sports

persons by rotation i.e. in a block of 100 roster points only 1% will be given to S.C. category.

ii. Backward Classes (A& B)-1% by rotation

In a block of 100 posts, the roster point No.32 will be given to block 'A' of B.C. Category of outstanding sports persons. Similarly in a block of next 100 posts, the roster point no. 63 will be given to B.C. 'B' category of outstanding sports persons by rotation.

iii General Category-1%

Roster Point No. 91 meant for E.S.M. of General Category, now will be given to outstanding sports persons of general category.

These instructions may kindly be brought to the notice of all concerned working under you for compliance.”

I have heard the learned counsel for the parties and have also gone through the case file.

As per the letter dated 26.07.2001, the Horizontal reservation for ESM was originally provided at the ratio of 10% and subsequently enhanced to 15% in direct recruitment to Class-III and IV posts, whereas the Post of PGT (Political Science) is of Group-B (Class-II) and thus, the Horizontal reservation cannot be taken in to consideration in case of the petitioner.

In view of the above, finding no merit in the present petition, the same is dismissed.

(HARNARESH SINGH GILL)
JUDGE

16.03.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No