

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

125

**CWP No.14325 of 2023
Date of Decision : 17.7.2023**

*Charan Singh**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. G.S. Gopera, Advocate, for the petitioner

Mr. Harish Nain, AAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking a writ of *mandamus* directing the respondents to consider the petitioner for selection and appointment to the post of TGT – Physical Education under the Economic Backward Person in General Caste (EBPGC) category advertised vide Advertisement no. 3 of 2015, dated 28.6.2015 (Annexure P-9), and in view of the judgment dated 24.3.2023 (Annexure P-18) against 46 vacant posts of the Category.

2. Learned counsel for the petitioner contends that on account of posts of EBPGC category being vacant, and in view of the Division Bench judgment dated 24.3.2023, the petitioner has a right to be considered against the vacant posts on the basis of the marks obtained by him in the written examination.

3. Undisputedly, the selection pursuant to the Advertisement no.3 of 2015 is over, as result of selection was declared by the Commission on 4.1.2019, and the amended result with respect to the remaining candidates

on 5.12.2019. At this stage, there is no justification for entertaining the petitioner's plea for being considered against the posts regarding which the selection process is already over.

4. The reliance placed by learned counsel for the petitioner on the judgment of the Division Bench dated 24.3.2023 passed in LPA No. 1199 of 2019, is also mis-placed. The Division Bench has upheld the order dated 10.12.2018 passed by the Single Bench in CWP No. 25782 of 2018, whereby the respondents were directed to appoint the petitioner therein against a post meant for EBP GC category, since he had applied for the same and as per the result of written examination and *viva voce* produced before the Court, he had secured more marks than the last selected candidate in the said category. It was also recorded in that order that the result showed eleven posts of the said category were lying vacant that time. The petitioner cannot take benefit of the said order, since he had approached the Court after declaration of final result.

5. It is also a fact apparent on record that the petitioner had earlier approached this Court by filing CWP No.10268 of 2019, *Arun Dahiya and others v. State of Haryana and others*, claiming to be considered. The petition was, however, dismissed after perusing his result. Since the petitioner had earlier approached this Court and had not raised the plea raised in the instant petition, he cannot be permitted to do so now.

6. In view of the above, there is no ground to entertain the petition.

7. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

17.7.2023

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No