

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

LPA-959-2022

Date of decision : 20.02.2023

Ramesh Kumar

.....Appellant

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rakesh Gupta, Advocate,
for the appellant.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This appeal has been filed by the appellant being aggrieved by an order and judgment dated 28.09.2022 passed by the learned Single Bench dismissing the writ petition (CWP-22424-2022), preferred by the appellant seeking quashing of the impugned result and claiming appointment on the post of Tool and Die Maker (Dies & Moulds) Instructor, sought to be filled up by the Haryana Staff Selection Commission pursuant to an advertisement dated 20.07.2019 (P-1).

The case of the appellant is that he applied for the post in question under the Eminent Sports Persons of the Scheduled Caste category, for which one post was reserved. Since the appellant failed to produce the Eminent Sports Person certificate, his claim was rejected. The appellant assailed the action of the authorities on the ground that in such a situation, his claim should have been considered in the Scheduled Caste category. He relied upon a Single Bench decision of this Court in

CWP No. 9135 of 2011, decided on 04.05.2013, titled as **Gurpreet Singh**

Chauhan Vs. State of Punjab and others, and the Government Instructions dated 07.10.2008, wherein it is stated that in case reservation for Eminent Sports Persons in various vertical categories, namely General, Scheduled Caste, Backward Class etc., has been provided, and the Eminent Sports Person in that category is not available, the post should be filled up from the vertical category, in which the post has been reserved, i.e. General, Scheduled Caste, Backward Class etc.

Learned counsel for the appellant submits that in such circumstances, the authorities have wrongly rejected the claim of the appellant and the learned Single Bench has erred in dismissing the writ petition.

Having heard learned counsel for the appellant at length and having perused the record, it is observed that the learned Single Bench has considered all the aforesaid aspects of the matter and dismissed the petition. The learned Single Bench has also taken into consideration the fact that no post for vertical Scheduled Caste category was reserved in the advertisement and the post, that was reserved, was only for the Eminent Sports Persons of the Scheduled Caste category. In such circumstances, the decision of the learned Single Bench rendered in **Gurpreet Singh Chauhan's case** (supra) and the Government guidelines dated 07.10.2008 have no applicability, as the question of reverting the post reserved for Eminent Sports Persons of the Scheduled Caste category to the Scheduled Caste category does not arise, as no post for the Scheduled Caste category was advertised in the advertisement. The learned Single Bench has observed that in such circumstances, in case the authorities wish to fill up the post, they can revert it to the Scheduled Caste category or re-advertise it for the Eminent Sports Persons of the

Scheduled Caste category, to enable the eligible candidates in that category to seek appointment. We do not find any illegality or perversity in the impugned order and judgment, warranting interference by this Court.

Appeal being bereft of merit is dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

February 20, 2023
ndj

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