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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-626-2020
Date of Decision: 11.03.2024

Sandeep Kumar and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mukul Goyal, Advocate,
for the petitioners.

Mr. Kapil Bansal, D.A.G., Haryana.

Ms. Nikita Goel, Advocate,
for respondent Nos.3 to 5.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of *certiorari* for quashing the final recommendation list published on 09.03.2019 (Annexure P-4 to P-7) vide which result has been declared for 2426 posts of Shift Attendant advertised through Advt. No.3/2016 is in complete violation of the Reservation Policy dated 23.01.2013 and therefore, have prayed that the names of such candidates should be removed from the recommendation list and only those candidates may be considered eligible under the New Reservation Scheme of EBPB category who earlier had not taken the benefit of this EBPB category with further prayer for issuance of a writ in the nature of *mandamus* for directing the respondents to consider the

candidature of the petitioners for the post of Shift Attendant.

2. Learned counsel for the petitioners at the outset stated that he wishes to press the present petition qua petitioners No.1 & 2 only.

3. It has been brought to the notice of the Court by the learned State Counsel that there are seven petitioners in the present petition and out of them, petitioners No.3 to 6 filed another writ petition i.e. CWP-20307-2021 after filing of the present petition seeking the same relief and the aforesaid second petition filed along with some other petitioners, which has already been disposed of by a Co-ordinate Bench of this Court on 10.01.2023.

4. Learned counsel for the respondent-Nigam has also submitted that in the aforesaid second writ petition which was filed by the aforesaid four petitioners of the present petition i.e. petitioners No.3 to 6, they did not even disclose the pendency of the present petition and for the same relief, the second writ petition was filed, which has now been disposed of by a Co-ordinate Bench of this Court.

5. Learned counsel for the petitioners stated that he has also perused the second petition filed by the aforesaid four petitioners and the relief claimed in both the petitions is same. He further submitted that in fact he has been instructed only by the petitioners No.1 & 2 to press the present petition and petitioners No.3 to 7 had instructed him to withdraw the present petition in the year 2020 only before they had filed the second petition but inadvertently the application for withdrawal of the present petition qua them could not be filed because of the Covid-19 Pandemic.

6. In view of the aforesaid position and the statement made by the learned counsel for the petitioners, the present petition is dismissed qua

petitioner Nos.3 to 7.

7. So far as the relief claimed in the present petition is concerned, both the learned counsel for the respondents as well as the learned counsel for the petitioners have stated that the aforesaid writ petition bearing CWP-20307-2021 has been disposed of by a Co-ordinate Bench of this Court on 10.01.2023 and the prayer of the present two petitioners would also be covered by the aforesaid judgment. They submitted that in the aforesaid judgment a statement was made by the learned counsel for the respondent-Corporation that the petitioners would be permitted to join subject to furnishing of an undertaking that they would be bound by the outcome of the SLP which is pending before the Hon'ble Supreme Court and in that eventuality, the petitioners would be bound by the undertaking and may not raise any grievance thereafter. They further submitted that although present two petitioners are in the waiting list but 14 selected candidates did not join and the petitioners even if they are in the waiting list, they can be permitted to join the Nigam and the learned counsel for the respondents-Nigam stated that she has specific instructions to state that conditional joining can be ordered in view of the aforesaid judgment dated 10.01.2023 and the present petition can be disposed of in the same terms.

8. In view of the aforesaid stand taken by the learned counsel for the respondents-Nigam, the present petition is also disposed of in same terms as that of CWP-20307-2021 qua the petitioners No.1 & 2 only.

11.03.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |