

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:162922-DB



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CWP No. 5228 of 2021 (O&M)
Date of decision:05th December, 2024

Daizy Kumar JindalPetitioner
Versus
State of Punjab and others ..Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL.
HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Jimmy Singla, Advocate for petitioner.
Mr. Rohit Ahuja, DAG Punjab.

LISA GILL, J(Oral)

1. Prayer in this writ petition is for quashing Clause 8 of the Notification dated 30.10.2020 (Annexure P-5), issued by Department of Social Justice, Empowerment and Minorities, Government of Punjab.
2. Learned counsel for the petitioner submits that this matter is squarely covered in favour of petitioner in view of decision dated 14.10.2024 in CWP-4264 of 2021 and other connected matters. Operative part of decision dated 14.10.2024 reads as under:

“55. In view of the above mentioned judgments passed by Hon’ble the Supreme Court of India, we are of the view that the action of the State is in violation of Articles 15 and 16 of the Constitution of India.

56. Accordingly, the present petitions are allowed. The category-wise merit lists dated 17.07.2020 for the General Category (Code No. 71) and Economically Weaker Section Category (Category Code No. 88) are quashed. Clause 8 of the office memorandum dated 30.10.2020 along with clarification/instructions issued on 18.03.2021, are also set aside.

57. The State is directed to reframe/re-cast the merit list for the appointment to the post of Agriculture Development Officer, by including the petitioners belonging to EWS category on the basis of their merit and not on account of reservation.

58. *It is further clarified that EWS candidates who are selected on the basis of merit and not on account of reservation, are not to be counted towards the quota meant for reservation.*”
3. Learned counsel for State fairly states that the matter at hand is covered in favour of the writ petitioner.
4. This petition is accordingly allowed in terms of decision dated 14.10.2024 in CWP- 4264 of 2021
5. Pending application(s), if any, are disposed of, accordingly.

(LISA GILL)

JUDGE

05th December, 2024

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(SUKHVINDER KAUR)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No