



**CM-9151-CWP-2023 in/and
CWP-4861-2023**

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

(104+249)

**CM-9151-CWP-2023 in/and
CWP-4861-2023
Date of Decision : July 24, 2024**

Ankit Yadav

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.S. Patwalia, Senior Advocate, with
Ms. Rishu Bajaj, Advocate, for the petitioner.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that while making an appointment to the post of Assistant District Attorney in pursuance to the Advertisement No.2022 dated 29.04.2022 (Annexure P-1), the reservation in the category of Freedom Fighter, in favour of the women was made beyond 50% which was not permissible and therefore, out of 3 posts, as only one post could have been reserved, henceforth one post has to be filled on the basis of merit obtained and as the petitioner is next in merit, the petitioner be appointed.

2. It may be noticed that the State submitted before this Court that one post will be kept reserved in the category of Freedom Fighter during the pendency of the present petition.



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3. Learned State counsel submits that keeping in view the decision taken by the authorities concerned, as reservation in favour of the women could not have exceeded 50% and one post out of 3 in the reserved category of Freedom Fighter, has already been given to the women by way of reservation, the post which was vacant, has been given to the petitioner being next in merit and the present petition has been rendered infructuous.

4. Learned senior counsel appearing for the petitioner submits that as the appointment is being given to the petitioner, the grievance of the petitioner stands satisfied but the petitioner be given appointment from the date, other candidates in the reserved category of Freedom Fighter were given though notionally from the said date.

5. Learned State counsel submits that the claim of the petitioner will be given due consideration and appropriate order on the said claim will also be passed by the respondent-State within a period of eight weeks of the receipt of copy of this order and in case, the claim of the petitioner is found genuine, same will be granted to the petitioner otherwise due reasons will be mentioned in the speaking order to be passed for not accepting the claim of the petitioner for his information and necessary action.

6. Learned senior counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present writ petition may kindly be disposed of having been not pressed any further.

7. Ordered accordingly.



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8. Any civil miscellaneous application pending if any, also stands disposed of.

July 24, 2024 **(HARSIMRAN SINGH SETHI)**
harsha **JUDGE**

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