

**CWP-8788-2020****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(237)****CWP-8788-2020****Date of Decision : December 09, 2024****Parminder Jeet Singh****.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. H.C. Arora, Advocate, for the petitioner.

Mr. Charan Preet Singh, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that the petitioner competed for the post of Principal in pursuance to the Advertisement dated 09.03.2019 (Annexure P-1).

2. The petitioner competed in the reserved category of dependent of ex-serviceman but ultimately, the petitioner was found ineligible to compete for the same as the petitioner was already working as computer faculty in the PICTES (Punjab Information and Communication Technology Education Society).

3. Learned counsel for the petitioner submits that the petitioner was not working in a Government institution hence, treating the said appointment in PICTES (Punjab Information and Communication

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Technology Education Society), the petitioner will loose his right to claim to be a dependent upon ex-serviceman father, is incorrect and therefore, only the Government job where, the dependent of an ex-serviceman is working, will only take away right to be dependent upon ex-serviceman and therefore, the respondents were under an obligation to grant the petitioner the consideration for appointment to the post of Principal on contract basis under the category of dependent of ex-serviceman (BC).

4. Upon notice of motion, the respondents have filed the reply wherein, the respondents have stated that the petitioner is employed as a computer faculty in PICTES (Punjab Information and Communication Technology Education Society) and even while getting the said appointment, the petitioner got the appointment under the reserved category of dependent of ex-serviceman hence, once the benefit has already been taken by the petitioner of being dependent of ex-serviceman and the petitioner was actually working as a computer faculty while applying for the post in question, non-grant of the benefit of being dependent of ex-serviceman, is perfectly valid and legal.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Firstly, the petitioner was claiming the benefit of being dependent of ex-serviceman to get appointment against the post of Principal vide Advertisement dated 09.03.2019 (Annexure P-1). The petitioner at the time of the application form, was already working as a computer faculty in PICTES (Punjab Information and Communication Technology Education Society) and was earning. This shows that the petitioner was not dependent

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upon his ex-serviceman father. Once, the petitioner was not dependent upon his father, the claim that he is dependent upon his ex-serviceman father to claim the benefit of appointment as a Principal, has rightly been declined by the respondents.

7. The argument of the petitioner that the petitioner was not working in a Government office hence, he is to be treated as dependent upon ex-serviceman, cannot be accepted for two reasons.

8. Firstly, even while securing the appointment as a computer faculty, the benefit of reservation was given to the petitioner and the petitioner was selected being dependent of ex-serviceman. That being so, the petitioner once had already claimed the benefit of reservation being dependent upon ex-serviceman hence, he could not have claimed the same reservation even while working on the said post.

9. Secondly, the dependent is a person, who does not earn and is dependent upon his ex-serviceman parent to live. In the present case, the petitioner was working as computer faculty and earning at the time when he appointed for the post of Principal and even if, it is assumed for the sake of argument that the PICTES (Punjab Information and Communication Technology Education Society) is not a Government society, still, once the petitioner was on his own and was earning handsome salary, he could not have been treated as dependent upon his ex-serviceman father to claim the benefit of appointment as a Principal on contract basis by claiming reservation of being department upon an ex-serviceman.

10. No ground is made out for any interference by this Court in the facts and circumstances of the present case.



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11. Accordingly, the writ petition is dismissed.

December 09, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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