

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No. 919 of 2024 (O&M)

Date of Decision: 16.04.2024

Satish Kumar

.....Appellant

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS SURI, JUDGE

Present : Mr. Sunil K.Nehra, Advocate with
Mr. Rahil Mahajan, Advocate, for the appellant.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (oral)

The consideration in the present appeal is to the impugned order dated 06.03.2024 passed by the learned Single Judge in Civil Writ Petition No. 5061 of 2024 whereby the writ petition of the appellant-petitioner was dismissed on the ground that the benefit of 5 marks on account of being member of Denotified Tribe or Nomadic Tribe could not be claimed if the appellant was a schedule caste candidate. The relevant clause as such was produced by the learned Single Judge in the impugned order under which the benefit was being sought by the appellant-petitioner.

2. It is not disputed that the appellant-petitioner himself while applying for the post of Turner Instructor Practical had claimed the benefit of consideration against the reserved category of schedule caste against 10 posts as per the advertisement dated 20.07.2019 (Annexure P-1).

3. The reasoning as such given by the learned Single Judge does not suffer from any infirmity since the relevant clause reads as under:-

“If the applicant belongs to such a denotified tribe (Vimukt Jatis and Tapriwas Jatis) or Nomadic Tribe of the State of Haryana which is neither a Scheduled Caste nor a Backward Class.”

4. It is thus apparent that the appellant could not seek benefit as such on both counts once he applied for consideration against the reserved seats and therefore, cannot seek the additional five marks as now claimed to enhance his merit from 52.50 to 57.50 marks to come into the zone of consideration. Therefore, no fault can be found as such to the view taken by the learned Single Judge. The argument raised that for a different selection the same benefit had been granted to certain set of candidates by the authorities would also as such be of no help as Article 14 of the Constitution of India has been held not to apply in negative aspect and if an illegality is committed once, it is not to be perpetuated for all times to come.

5. The last submission which has been made by the appellant is regarding his roll number to be figured in the general waiting list where the cut of marks was 51 marks as per the result announced on 21.10.2022 (Annexure P-4) on the ground he has secured 52.50 marks as against the candidate shown in the general waiting list. We are of the considered view that since the waiting list also has a shelf life of one year and the first representation was filed by the appellant on 15.11.2022 (Annexure P-6) but the appellant approached this Court in the year 2024 and therefore, having slept over his right, no case is made out even to consider that aspect. The last application in this regard was given by the appellant to the authorities on 18.01.2023. The selection process

is not meant to remain open forever and in such circumstances, this Court is of the considered opinion that the appellant cannot claim multiple considerations of his claim in categories i.e. multiple i.e.Schedule Caste; Denotified Tribe and general candidate. In such circumstances, the learned Single Judge has given justifiable reasons for rejecting the claim of the appellant and we also do not find any valid reason to interfere in the judgment rendered by the learned Single Judge. Accordingly, the appeal is dismissed. Pending application, if any, also stands disposed of.

(G.S.SANDHAWALIA)
ACTING CHIEF JUSTICE

(VIKAS SURI)
JUDGE

16.04.2024

ravinder

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