

CWP-11292-2024

-1-

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

118

CWP-11292-2024

Date of Decision :15.05.2024

Kamna

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

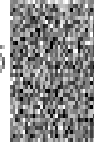
Present: Mr. G.S. Bajwa, Advocate for the petitioner.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance of the petitioner is that the petitioner competed for the post of Supervisor (Female) as advertised by the respondents vide advertisement No.07/2016 but the petitioner has not been considered for appointment to the post in question despite there being vacant posts.

2. Learned counsel for the petitioner submits that out of the total 137 posts advertised, 11 posts were reserved in the category of Ex-serviceman and 11 posts were reserved in the category of BC-B as well and the petitioner competed for the post in question in the category of BC-B. Learned counsel for the petitioner further submits that out of the 11 posts reserved for ex-serviceman category, one post was to be filled up from the

**CWP-11292-2024****-2-**

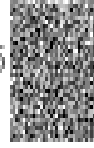
category of Ex-serviceman (BC-B) wherein, one Indu Bala was selected but as she failed to join, the said post should have been converted into the main category of BC-B so as to appoint the petitioner, who was next in the merit to be appointed but the respondents did not converted the said vacant post of Ex-serviceman (BC-B) category into BCB category so as to appoint the petitioner which has caused prejudice to the petitioner.

3. Learned counsel for the petitioner further submits that claim raised by the petitioner has wrongly been rejected by the respondents vide impugned order dated 21.03.2024 (Anenxure P/10).

4. Mr. Harish Nain, AAG, Haryana, keeping in view the advance copy served, appears and submits that the vacant post which the petitioner is claiming, was in the category of Ex-serviceman (BC-B) and even if, Indu Bala, who was selected against the said post did not join, the next candidate in the said category was one Anita Devi, who was at merit No.166 but as by the time Indu Bala did not join, the validity of the waiting list had expired hence, neither Anita nor anybody else was considered against the said post of Ex-serviceman (BC-B) and the same was carried forwarded to be advertised in the next advertisement hence, no grievance can be raised by the petitioner at this stage.

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

6. The petitioner competed for the post of Supervisor (Female) in the BC-B category, in which 11 posts had been advertised by the

**CWP-11292-2024****-3-**

respondents and it is a conceded position that all the posts in the said category have been filled up. The claim raised by the petitioner in the present petition is that the vacant post of Ex-serviceman (BC-B) category be converted into BCB category so as to appoint the petitioner on the said post. Merely, that Indu Bala did not join in the category of Ex-serviceman (BC-B), the petitioner who was not competing in the said category cannot claim the appointment as appointment right accrues to a candidate, who is competing in the category of Ex-serviceman (BC-B). It is not the case that nobody was eligible after Indu Bala so as to be appointed in the said category. It has already been mentioned in the impugned order that one Anita Devi, who was next in the merit in Ex-serviceman (BC-B) category was available for appointment against the vacant post but the appointment could not be offered to her because the validity of the waiting list expired by the time Indu Bala refused to join.

7. That being so, claim of the petitioner for appointment against the vacant post of Ex-serviceman (BC-B) has rightly not been entertained by the respondents on two grounds i.e. petitioner has not competed in the category of Ex-serviceman (BC-B) and the waiting list being expired by the time Indu Bala refused to join and a candidate namely, Anita Devi competing in the category of Ex-serviceman (BC-B) was available and has a preferential right of consideration and appointment as compared to the petitioner hence, the same needs no interference by this Court and the present petition is accordingly dismissed.



CWP-11292-2024 -4-

8. Civil miscellaneous application pending if any is also disposed of.

May 15, 2024
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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No