

**CWP-15220-2016****1**

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

(234)**CWP-15220-2016****Date of Decision : August 01, 2024****Paramjeet Kaur****.. Petitioner**

Versus

State of Punjab and others**.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Gurmehar Gandhi, Advocate, for
Mr. R.C. Sharma, Advocate, for the petitioner.

Mr. Amarpreet Singh Bains, 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 claim of the petitioner for the grant of appointment to the post of School Librarian has been rejected vide impugned order dated 13.01.2016 (Annexure P-16) though, the petitioner was claiming the benefit of instructions circulated vide No.1/3/98-RC1/948 (Annexure P-11) issued by the State of Punjab according to which, 2% posts, which have remained vacant in the category of Freedom Fighter and ex-serviceman, are to be given to the members of Vimukat Jatis and Bazigar.

2. Learned counsel for the petitioner submits that in the present advertisement, there were three posts reserved for ex-serviceman, which could not be filled up and therefore, the petitioner raised a claim for the grant of benefit under the instructions to the extent that 2% of the vacant post should be extended to the petitioner.

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3. Upon notice of motion, the respondents have filed the reply. In reply, the respondents have raised the same objection as raised in the impugned order that out of three posts, two had already been filled up and one remained vacant and the litigation qua the vacant post is already pending before this Court.

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

5. Once, it is a conceded fact that 2% of the vacant post are to be given to the members of the Vimukat Jatis and Bazigar and even if it is assumed for the sake of argument that one post remained vacant under 2%, reservation will not amount to grant of one post to be filled up from the category of the petitioner hence, virtually, there is no post for the petitioner in the category in which the petitioner is seeking appointment and therefore, the respondents have rightly mentioned that no post exist to be given to the petitioner being a member of Vimukat Jatis and Bazigar under 2% reservation qua one post of ex-serviceman which remained vacant.

6. Even otherwise, as per the reply, there are 7 candidates who are above the petitioner in the said category who have a better claim than the petitioner and even if one post is given to the category of the petitioner still, the petitioner, cannot claim appointment as being claimed in the present petition as per her merit.

7. No ground is made out for any interference by this Court in the present case.

8. Dismissed.

August 01, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No