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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14895-2018
Date of decision: 21.03.2024

GAURAV GAUR

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Narender Kaur, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

Mr. Samarth Sagar, Advocate
for respondent No.3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents No.2 and 3 to conduct the interview of the petitioner for the purpose of appointment to the post of Grid Sub-Station Operator, Category No.5, in Economically Backward Person in General Caste (EBPGC) Category as published in advertisement No.3/2016.
2. Learned counsel for the petitioner submitted that the petitioner was not considered for the post of Grid Sub-Station Operator because of two reasons. Firstly, that the degree which the petitioner attached along with the application form was a provisional degree and secondly, that the candidate

belonging to Economically Backward Person in General Caste (EBPGC) Category is not to be considered for reservation.

3. At this stage, learned State counsel as well as Mr. Samarth Sagar, learned counsel for respondent No.3 have informed that so far as the objection with regard to the acceptability of provisional degree of the petitioner is concerned, the same will not be considered now because the matter already stands settled by the Hon'ble Supreme Court in **Haryana Staff Selection Commission versus Priyanka and others etc., 2022 INSC 536.** They further submitted that so far as the second objection is concerned pertaining to as to whether reservation should be provided for Economically Backward Person in General Caste (EBPGC) Category or not, the same is also pending in SLP before the Hon'ble Supreme Court, but there are two judgments passed by a Coordinate Bench of this Court in *CWP No.8861-2022* and *RA-CW-18-2023* in *CWP-20307-2021*, whereby relief has been granted to the petitioners in those cases because their selection process started prior to 2017. They also submitted that so far as the present petitioner is concerned, his process also started prior to 2017 and therefore, candidly stated that so far as the present issue is concerned, the case of the petitioner will also be covered by the aforesaid two judgments of Coordinate Bench of this Court and therefore, necessary directions can be issued to the concerned authorities to further process and consider the case of the petitioner in accordance with law.

4. In view of the aforesaid factual position and statements made by learned counsel for the respondents, the present writ petition is allowed. The respondent No.2-Haryana Staff Selection Commission is directed to conduct the

interview of the petitioner strictly in accordance with law and further process the case to the next authority concerned.

5. At this stage, Mr. Samarth Sagar, learned counsel for respondent No.3 submitted on instructions from the respondent-Nigam that 8 vacancies are available on the aforesaid post and therefore, in case the candidature of the petitioner is forwarded by the Haryana Staff Selection Commission to respondent No.3-Nigam, then there can be no difficulty in adjusting the petitioner on the aforesaid post.

21.03.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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