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

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**CWP-12586-2025 (O&M).
Date of Decision: 05.05.2025.**

MINAKSHI MEHRA

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Sube S. Kaushik, Advocate,
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Seeking appointment to the post of Multi-Purpose Health Worker (Female) (hereinafter referred to as 'MPHW (F)') against the vacant post of SC (ESM) against the advertisement No.15/2019 Cat. No.4 &20 dated 07.09.2019, as the next eligible candidate in the waiting list, the instant writ petition has been filed by the petitioner.

2 Learned counsel appearing on behalf of the petitioner contends that the petitioner had applied for the post of MPHW (F) in the S.C. category. After the culmination of the selection process, the petitioner was placed in the waiting list at Sr. No.4. He contends that there were 588 posts of MPHW (F) out of

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which 113 posts were meant for S.C. Category and 1 post under category No.20 was meant for S.C. (ESM). He contends that a number of posts are still vacant in the S.C. category and in the ESM SC category, one post remained vacant due to non-availability of the eligible candidates. It is argued that if the person in the horizontal reservation is not available, the next eligible person in the vertical category is to be considered and recommended for the post. He submits that the petitioner had earlier filed CWP-2992 of 2023 for directing the respondents to fill up the post of MPHWS (F) in the SC category which was disposed of by directing the respondents to examine the legal notice submitted by the petitioner. When the needful was not done, the petitioner filed COCP No.1653 of 2023 which was disposed of after noticing the contention of the respondent State, that the Haryana State Selection Commission has already recommended the name of the petitioner for appointment to the post of MPHWS (F) under the aforesaid advertisement under Category 4 to the Director General Health Services, Haryana. The petitioner was granted liberty to avail the alternative remedy in accordance with law. He contends that despite the aforesaid statement made in the contempt petition by the State counsel, the recommendation has seemingly not been accepted and appointment has not been offered to the petitioner. He submits that accordingly a legal notice dated 30.12.2024 (Annexure P-19) was sent to the Directorate of ESI Health Care, Haryana, however the needful has not been done. He contends that at this juncture the petitioner would be satisfied in case a direction is issued to the Directorate of ESI Health Care, Haryana, to take an expeditious decision on the recommendation made by the

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Haryana Staff Selection Commission by passing a speaking and reasoned order in accordance with law and in a time bound manner.

3 Notice of motion.

4 Ms. Tanisha Peshawaria, DAG, Haryana, accepts notice on behalf of the respondents and submits that she has no objection to the aforesaid prayer being granted.

5 Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present writ petition is disposed of with a direction to respondent No.4- Directorate of ESI Health Care, Haryana, to decide the legal notice dated 30.12.2024 (Annexure P-19) sent by the petitioner and to pass a speaking and reasoned order thereupon in accordance with law within a period of three months from the date of receipt of a certified copy of this order.

May 05, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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