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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13378-2025

Date of Decision: 12.05.2025

RAKESH KUMAR AND ANOTHER

..... Petitioners

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. S.K. Nehra, Advocate for the petitioners.

Ms. Rajni Gupta, Addl. AG, Haryana
for respondent No.1 and 3 and as
Advocate for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of final result dated 06.07.2022 (Annexure P-7) to the extent petitioners are not selected in the Physically Handicap Category on the post of Assistant Lineman.

2. The petitioners are claiming that they are suffering from physical disability. They fall within the definition of persons with disabilities. They pursuant to advertisement No.11/2019 applied for the post of Assistant Lineman under PWD Category. The respondent declared final result on 06.07.2022. 52 seats were reserved for Persons with Disabilities (Hard of Hearing). 10 persons were selected and remaining seats were kept vacant. Many candidates approached this Court by way of ***Civil Writ Petition No.14773 of 2022*** titled as '***Vikram***



and others Vs. State of Haryana and others’. The said writ petition was adjudicated vide order dated 24.04.2025 (Annexure P-8). The operative portion of judgment dated 24.04.2025 reads as:

“28. In the wake of above discussion and findings, this Court is of the considered opinion that respondent has wrongly rejected candidature of persons with disability of one leg. The petitions are allowed and respondents are directed to consider all those petitioners who are with disability of one leg. It is made clear that petitioners suffering with other benchmark disabilities, on account of this judgment, would not be eligible for the post of Assistant Lineman.

29. It is further clarified that date of joining of petitioners shall be their date of appointment for all intent and purposes. The respondents would be at liberty to examine other terms and conditions of advertisement while considering claim of persons with disability of one leg. The needful shall be done within 10 weeks from today.

30. This order may prompt fence sitters to approach this Court. The benefit of this order shall be available only to present petitioners and it would not be available to any fence sitter otherwise there would be no end of litigation and it may open Pandora’s Box.”

3. Learned counsel for the petitioners submits that petitioners are suffering from OH disability, thus, they need to be considered alongwith candidates who are suffering from disability of hard of hearing and one leg. Case of petitioners is on better footings.

4. The petitioners are placing reliance upon judgment dated 24.04.2025 passed by this Court in ***Vikram and others (supra)***. On being confronted with with para 30 of aforesaid judgment, Mr. S.K. Nehra, Advocate submits that while adjudicating a bunch of petitions, one writ



petition which was filed in 2024 was also allowed, thus, petitioners’ claim should be allowed.

5. From the perusal of judgment dated 24.04.2025, it is quite evident that while disposing of bunch of petitions, it was made clear that to avoid further litigation, benefit of the judgment would be available to petitioners and not to fence sitters. The selection process was initiated in 2019 and completed in 2020. A period of 5 years from the date of completion of selection process has passed away, thus, claim of petitioners is hit by doctrine of delay and laches. The benefit of reservation has been extended to persons with disability of one leg whereas petitioners are not suffering from said disability, thus, petition is liable to be dismissed on the ground of delay and laches as well as merit.

6. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

12.05.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No