



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

CWP-16751-2025

Date of Decision:-29.05.2025

Anoop Kumar

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Anjali Sheoran, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of final result dated 14.05.2022 (Annexure P-6) to the extent he is not selected in the Physically Handicap Category on the post of Assistant Lineman.

2. The petitioner is claiming that he is suffering from physical disability. He falls within the definition of persons with disabilities. He pursuant to advertisement No.11/2019 applied for the post of Assistant Lineman under PWD Category. The respondent declared final result on 14.05.2022. 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. 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 petitioner submits that petitioner is suffering from OH disability, thus, he needs to be considered alongwith candidates who are suffering from disability of hard of hearing. She further submits that respondent is bound to grant benefit to all the similarly situated persons. The benefit of judgment passed by this Court cannot be extended to petitioner whereas it should be extended to all the similarly situated persons. The appointment of petitioner is not going to create third party rights.

4. 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 petitioner is hit by doctrine of delay and laches. This Court cannot pass order contrary to its order dated 24.04.2025. The claim of the petitioner is based upon the said judgment. The respondent is free to extend benefit to anyone but this Court in view of the observations made in Para 30 cannot entertain instant petition.

5. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

29.05.2025

Prince Chawla

Whether Speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No