



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

135

CWP-23487-2025

Decided On: 13.08.2025

PANKAJ KUMAR MEHTA**....PETITIONER(s)****Versus****STATE OF HARYANA AND OTHERS****....RESPONDENT(s)****CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Amarbir S. Shergill, Advocate
for the petitioner.

Ms. Harpriya Khaneka, Advocate
for respondent no.2/Commission.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing respondent no.2/Commission to permit the petitioner to appear in the Subject Knowledge Test for the post of Assistant Professor Computer Science pursuant to advertisement 45/2024, dated 02.08.2024, by inter-changing the unfilled backlog vacancies under Visually Impaired (VI) category to Locomotor Disability (OH) category, to which the petitioner belongs, in terms of Government instructions dated 25.04.2018.

2. Learned counsel for the petitioner contends that six posts have been advertised for Persons with Benchmark Disabilities (PwBD) under Visually Handicapped category and one for Multiple Disability category, out of which five are backlog vacancies. After the Screening Test got conducted, only two candidates with Benchmark Disabilities have been shortlisted for the Subject Knowledge Test. In terms of the instructions aforementioned, if suitable candidate against these five backlog posts are not available, the posts can be filled by inter-change among the four categories of disabilities. In case



the petitioner, who belongs to General OH category, is not shortlisted at this stage, his right to be considered by inter-change of these backlog posts would be defeated.

3. Learned counsel for the Commission, on instructions, contends that the petitioner is an applicant for the post as a General OH category candidate with sub-category OH. In the Screening Test, he has obtained 46.39 marks, as against the cut-off at 71.64 for the General category candidates. Besides, another candidate, who has secured more marks than him and belongs to General OH sub-category, has also not been shortlisted for the Subject Knowledge Test. She further contends that there are many candidates of reserved and unreserved categories, who are Persons with Benchmark Disabilities, have already been shortlisted for the Subject Knowledge Test. The reservation being horizontal in nature, such candidates will have a right to be considered against the vacancies by inter-changing the posts in terms of the instructions, dated 25.04.2018.

4. In view of the facts brought to the notice of this Court by learned counsel for the Commission, the petitioner cannot be held entitled to be considered for further stages of selection only on the ground that he belongs to PwBD sub-category and has a right to be considered against a vacant backlog post of this category by inter-change with other sub-categories in terms of instructions dated 25.04.2018. The reservation to the category is horizontal, and the posts are to be filled by eligible candidates across all categories, general as well as reserved, belonging to the PwBD category as per their merit, and many such candidates have already been shortlisted for the Subject Knowledge Test.



5. In view thereof, there is no ground to entertain the petition and it stands dismissed.

13.08.2025
Ad

(TRIBHUVAN DAHIYA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>