



CWP-4575-2020

1

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

(263)

CWP-4575-2020

Date of Decision : 23.03.2026

Jaswant Singh

...Petitioner

Versus

Punjab and Haryana High Court,
Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARIPresent: Mr. G.S. Dhillon, Advocate
for the petitioner.Mr. Kanwal Goyal, Advocate
for respondent Nos.1 and 2.

KULDEEP TIWARI, J. (ORAL)

1. The selection list issued for the post of Peons, dated 09.12.2019 (Annexure P-4), where through, four persons were appointed by the respondent No.2, has been put to challenge, through the instant writ petition, cast under Article 226/227 of the Constitution of India, on the ground, that the said selection list is against the Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Services) Rules, 1997 (for short 'the Rules of 1997').

2. The petitioner, who claimed himself to be 60% disabled, has approached this Court, by filing the instant writ petition, with a request to consider his candidature against the one post of Peon, reserved for handicapped, through an advertisement dated 04.11.2019 (Annexure P-1).



3. Learned counsel for the petitioner submits that the petitioner was duly shortlisted and called for interview, which was held on 03.12.2019, and his name was figured against the Serial No.51, therefore, being eligible and suitable, his candidature ought to have been considered against the one post reserved for handicapped/disabled person. However, the Selection Committee, erroneously appointed a candidate of General Category against the post reserved for handicapped/disabled person.

4. Before this Court proceed further, it is imperative to have a glimpse upon the relevant facts, which are necessary for adjudication of the instant *lis*.

5. On 04.11.2019, the respondent No.2, had advertised four posts of Peons, to be appointed in the office of District and Sessions Judge, Faridkot.

Bifurcation of which is extracted hereinafter :-

<i>General Category</i>	-	<i>01 Post</i>
<i>Ex-Serviceman</i>	-	<i>01 Post</i>
<i>Scheduled Caste</i>	-	<i>01 Post</i>
<i>Handicapped</i>	-	<i>01 Post</i>

6. The petitioner, on the strength of the medical/disability certificate (Annexure P-2), showing him to be 60% disabled, applied for the above said post. He was called for an interview, which was scheduled to be conducted on 03.12.2019. Thereupon, the result was declared, and four persons were appointed on the posts of Peon. The petitioner remained unsuccessful.

7. It is relevant to note that against the post reserved for handicapped/disabled person, a candidate from the General Category, was appointed. This caused grievance to the petitioner, and propelled him to file the instant writ petition, challenging the action of the respondent No.2.



8. The respondents No.1 and 2, by filing a detailed written statement, contested the instant writ petition, and apprises this Court that the Rules of 1997, stands already repealed and superseded by the Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Group 'D' Service Rules, 2012 (for short 'the Rules of 2012'). It is further submitted by learned counsel for the respondents No.1 and 2, that the post of Peon falls under Group 'D', and thus, governed by the Rules of 2012 (Annexure R-1/A), and the instant petition deserves to be outrightly rejected on this score alone.

9. Further, by placing reliance upon Rule 8 of the *ibid* Rules, a clear stand is taken by the respondents No.1 and 2, that the authority concerned, is well within its powers, as envisaged under the said Rules, to appoint a candidate from a General Category, where no candidate from the reserved category, is available.

10. Learned counsel representing the respondents No.1 and 2, also submitted that the petitioner was never shortlisted, rather each and every candidate, who applied for the post of Peon, were called for an interview. Therefore, the question of shortlisting the petitioner, does not arise.

11. This Court has considered the submissions, as made by learned counsels for the parties concerned, and has gone through the available record.

12. Before deciding the issue, at hand, let's first have a glimpse upon the advertisement dated 04.11.2019 (Annexure P-1), wherein, four posts of Peons, were advertised, and out of which, one post was reserved for handicapped. The note three, appended with the advertisement, clearly mention that if no suitable candidate is available for the reserved category



post, then the same shall be filled up, amongst the General Category candidate. The relevant note is extracted hereinafter :-

“3. If no suitable candidate is available for the reserved category posts, then the reserved post will be filled up from amongst General Category candidates.”

13. The above note is in consonance with the Rules of 2012, which authorize the appointing authority, to appoint a candidate from General Category against the Reserved Category, in case, no candidate of reserved category is available/eligible. Rule 8 of the Rules 2012, is extracted hereinafter :-

*“8. Reservation.- The policy as framed by the State Government for the reservation for the members of the Scheduled Castes, Scheduled Tribes, other Backward Classes, Physically handicapped, Freedom Fighters and Ex-Servicemen shall be applicable to the member of the Service at the stage of initial recruitment only:
Provided that where no candidate of reserved category is available then appointment be made from general category.”*

14. In the instant case, the petitioner was never short listed, rather he was called for an interview, as per the intimation dated 03.12.2019 (Annexure P-3), therefore, the claim of the petitioner, is not substantiated with any relevant document that he was short listed ever. The respondents have come up with a clear stand that petitioner's candidature was not found suitable by the Selection Committee, and no other candidate from the reserved category was found eligible, therefore, a candidate from the General Category was appointed against the reserved category.

15. In view of the above discussion, and considering the totality of facts and circumstance of the case, this Court does not find any merit in the

submissions, as made by learned counsel for the petitioner. Consequently, the instant writ petition is **dismissed**.

(KULDEEP TIWARI)
JUDGE

March 23, 2026
Manpreet

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