



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

210

CWP-16351-2001 (O&M)
Date of Decision: 09.04.2026

VIJAY KUMAR

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Ms. Alka Chathrath, Advocate with
Ms. Swati Katoch, Advocate
for the petitioner.

Mr. Amit Sahni, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to consider the petitioner for the post of Junior Basic Teacher (JBT) under Ex-servicemen (ESM) BC-B category in response to advertisement 01/1999, dated 15.11.1999.

2. Learned State counsel contended that the petitioner earlier approached this Court seeking the same relief by filing CWP-15952-2000, which was dismissed by this Court, vide order dated 22.11.2000. It was challenged before the Supreme Court in SLP no.5006 of 2001, which was also dismissed vide order dated 03.04.2001. Accordingly, there is no ground to file the instant petition.

3. Learned counsel for the petitioner contended that at the time of filing the earlier petition, he had only challenged the respondents' action in considering the candidates belonging to Dependent of Ex-servicemen



(DESM) category for the posts reserved for ESM category, ignoring the petitioner's claim as Ex-servicemen. Therefore, the instant petition is maintainable.

4. Perusal of the order dated 22.11.2000, passed by this Court in the earlier round of litigation, shows the petitioner approached this Court raising the grievance that he has not been considered as ESM category candidate, whereas the candidates belonging to DESM category have been considered. The petition was, however, dismissed by observing that having participated in the selection process and not being selected, he could not be allowed to challenge the selection process. The order reads as under:

C.W.P.No.15952 of 2000

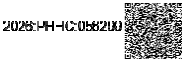
Present: Mr. B. S. Rana, Advocate for the petitioner.

Heard learned counsel for the petitioner.

In response to the advertisement for the posts of J.B.T. Teachers, the petitioner applied for the selection against the category of Ex-servicemen of Backward Class category but he not selected. His grievance is that the respondents have considered the candidates belonging to the dependents of the Ex-Servicemen category whereas the candidates belonging to Ex-Servicemen category were available and the petitioner has been discriminated in the matter of selection.

We have considered the case of the petitioner and the submissions made on his behalf by his counsel.

The counsel has also referred to the advertisement. It is manifestly clear from the advertisement that the dependents of Ex-Servicemen category shall also be considered if no suitable candidate in the Ex-Servicemen category is available. The petitioner having participated in the selection process and having not been selected cannot challenge the selection process on the ground that the dependents of Ex-Servicemen category have been selected and as such he has been discriminated.



No merit. Dismissed.

5. It is, therefore, apparent that the petitioner had earlier approached this Court raising the same grievance of not having been considered for the post in question as ESM category candidate, and cannot be allowed to agitate the issue all over again by filing the instant petition. It is barred by the principle of *res judicata*.

6. Accordingly, the petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

09.04.2026
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>