



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CWP-3789-2002

Date of Decision: 19.05.2026

GURSHPAL SINGH

...Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. R. K. Malik, Senior Advocate with
Mr. D. S. Maan, Advocate for the petitioner.

Mr. Aakash Singla, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the office order dated 23.10.2001, Annexure P-8, whereby the petitioner's claim for appointment as Physical Training Instructor (PTI) under Ex-Servicemen (ESM) quota posts against advertisement 03/1999, published on 14.11.1999, has been rejected. Further, a writ of *mandamus* has been sought directing the respondents to fill up the said posts in accordance with the Government instructions dated 14.07.2000, Annexure P-3.

2. Learned senior counsel for the petitioner contended that the respondents advertised 622 posts of PTI, out of which four per cent of the posts, i.e., 25 were reserved for ESM General category. This is in violation of the instructions dated 14.07.2000, which require the Government to reserve atleast eight per cent posts for ESM General category. The petitioner



successfully cleared the selection process and was placed at number one in the waiting list. Had the respondents reserved the posts for ESM in terms of the aforementioned applicable instructions, the petitioner would have been given the appointment. It has been wrongly refused by rejecting his representation vide impugned order dated 23.10.2001, which needs to be set aside. He has also relied upon the order dated 16.01.2001, passed by this Court in CWP-708-1999 titled *Om Parkash v. State of Haryana and another*.

3. Learned State counsel, on the contrary, points out that the petitioner is not entitled to be considered for appointment. *Firstly*, he has not even challenged the advertisement in question, whereby four per cent General category posts were reserved for ESM category. Accordingly, the selection made in terms of stipulations in the advertisement, pursuant whereof the petitioner was placed at number one in the waiting list, cannot be faulted. *Secondly*, the instructions dated 14.07.2000, upon which the petitioner's case is premised, have been issued subsequent to publication of the advertisement, and cannot be applied retrospectively to increase the percentage of reservation for ESM General category posts. *Thirdly*, he contended that another ESM General category candidate, Ranbir Singh, had moved a representation for considering his qualification obtained from the Indian Army equivalent to matriculation, which had not been done by the recruiting agency denying him due weightage on that basis. After considering his representation on getting confirmation from the State Sainik Board, the said candidate was given the weightage and was accordingly placed at serial number twenty-two in the selection-cum-merit list, dated 16.10.2000. After termination of services of



one of the selected candidates, Raj Pal, vide office order dated 18.05.2001, Annexure P-6, Ranbir Singh was appointed against that post on 15.03.2002. Therefore, no exception can be taken to rejection of the petitioner's representation for appointment vide impugned order dated 23.10.2001.

4. Submissions made by learned counsel for the parties have been considered.

5. The petitioner's claim for consideration against ESM General category post by increasing the quota of reserved posts under the category from four per cent to eight per cent in terms of instructions dated 14.07.2000, is not sustainable, for the reason these instructions have been issued subsequent to publication of the advertisement on 14.11.1999. The respondents were required to carry out the selection process in terms of the conditions laid down in the advertisement and no exception can be taken to the decision not to follow the subsequently notified instructions. It can also not be lost sight of that the advertisement in question, 03/1999, whereby four per cent posts have been reserved for ESM General category is not under challenge. Further, the petitioner undisputedly was placed at number one in the waiting list but no post remained vacant after appointment of Ranbir Singh on 15.03.2002, which is also not under challenge. On this account also, the petitioner cannot claim any right to consideration. Reliance by learned senior counsel on *Om Parkash* case (*supra*) does not advance the petitioner's case in any manner. That order is not with reference to instructions dated 14.07.2000, nor does it lay down that instructions issued subsequent to publication of an

advertisement regarding increase in the reserved category posts would have retrospective application.

6. Accordingly, finding no merit in the petition, it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

19.05.2026
Ad

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