



CWP-30701-2025(O&M)

-1-

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

(248)

CWP-30701-2025(O&M)
Date of Decision :16.03.2026

Ankit Grover & anr.**.. Petitioners**

Versus

State of Punjab & ors.**.. Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. HPS Sandhu, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Ms. Priyanka Malik, Advocate and
Ms. Mehak Kanwar, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondent/department to implement the order and judgment dated 06.02.2025, passed in CWP No.22194 of 2020 (Annexure P-8) whereby the respondent/department has been directed to reframe/recast the merit lists for the Open/General Category and the EWS Category, treating the EWS reservation as vertical, being contrary to law and violative of Articles 14 and 16 of the Constitution of India. Further a writ of certiorari has been sought, for quashing the final merit lists of the General Category as well as the EWS Category, whereby EWS reservation has been considered



CWP-25320-2012(O&M)

-2-

as horizontal, being contrary to law and violative of Articles 14 and 16 of the Constitution of India. Further a writ of mandamus has been sought directing the official respondents No.1 and 2 to forthwith decide the representations dated 14.02.2025 (Annexures P-11 and P-12), submitted by the petitioners, seeking recasting of the merit list in terms of judgment dated 06.02.2025 passed in CWP No. 22194 of 2020 titled as Ankit Grover and others v. State of Punjab and others, and to grant all consequential service benefits including appointment from back date, seniority, arrears of salary and all other allied benefits.

2. On 16.10.2025, the following order was passed by this Court:-

“Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondent/department to implement the order and judgment dated 06.02.2025, passed in CWP No.22194 of 2020 (Annexure P-8) whereby the respondent/department has been directed to reframe/recast the merit lists for the Open/General Category and the EWS Category, treating the EWS reservation as vertical, being contrary to law and violative of Articles 14 and 16 of the Constitution of India. Further a writ of certiorari has been sought, for quashing the final merit lists of the General Category as well as the EWS Category, whereby EWS reservation has been considered as horizontal, being contrary to law and violative of Articles 14 and 16 of the Constitution of India. Further a writ of mandamus has been sought directing the official respondents No.1 and 2 to forthwith decide the representations dated 14.02.2025 (Annexures P-11 and P-12), submitted by the petitioners, seeking recasting of the merit list in terms of judgment dated



06.02.2025 passed in CWP No. 22194 of 2020 titled as Ankit Grover and others v. State of Punjab and others, and to grant all consequential service benefits including appointment from back date, seniority, arrears of salary and all other allied benefits.

*Learned counsel for the petitioners, inter alia, contends that the petitioners belong to Economically Weaker Section (E.W.S.). They applied and selected for the post of Lower Division Clerk (LDC) pursuant to advertisement dated 05.09.2019 (Annexure P-1). The initial combined merit list published on 17.07.2020 wrongly treated EWS reservation as horizontal. The issue regarding casting the merit list by considering the reservation vertically was settled by the Division Bench of this Court in **CWP No.4264 of 2021**, titled as **Sikander Singh and others vs State of Punjab and others**, decided on **14.10.2024** (Annexure P-7). The petitioner approached this Court by way of filing a petition i.e. CWP-22194-2020 and vide order dated 06.02.2025 (Annexure P-8), the respondents were directed to recast the merit list in terms of the decision rendered by the Division Bench of this Court. The petitioner was compelled to withdraw the writ petition i.e. CWP-7520-2020 in order to seek appointment and furnished an affidavit in this regard and immediately after withdrawal of CWP-7520-2020, the petitioner was appointed, however, the respondent/ Corporation is trying to circumvent the settled issue in **Sikander Singh's case (supra)** by exploiting the aspiration of the candidate to acquire a public employment.*

Notice of motion.

Mr. Vikas Arora, DAG, Punjab who is present in the Court accepts notice on behalf of respondent No.1 – State while Ms. Priyanka Malik, Advocate, accepts notice on behalf of respondents No.2 and 3 and seeks time to file reply.

Learned counsel for the petitioners is directed to supply a copy of paperbook to counsel opposite during



course of the day.

Adjourned to 16.03.2026.”

3. Learned counsel for respondents No.2 and 3 submits that the present writ petition is liable to be dismissed as the petitioners have willingly withdrawn their earlier writ petition bearing CWP No.22194-2020 and accepted the appointment with open eyes, as such, now they cannot be allowed to re-agitate the same claim and seek parity to avail further service benefits.

4. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioners participated in the selection process pursuant to advertisement bearing No.CRA-293/19 (Annexure P-1). Learned counsel for the petitioners refers to Annexures P-2 and P-4 to submit that the petitioners in order to secure appointment have submitted their affidavits to withdraw the writ petition filed by the petitioners, which was withdrawn on 12.01.2023. Further, this Court in **Sikander Singh's case (supra)** had directed the respondents to re-cast the merit list of the candidates belonging to EWS Category. Further, ultimately the writ petition No.22194-2020, which was filed by the petitioners and other candidates jointly, was disposed of on 06.02.2025. The operative part of the same reads as follows:-

*“Learned counsel for the parties are ad idem that this petition is squarely covered by the judgment of a Division Bench of this Court dated 14.10.2024 rendered in CWP-4264-2021 titled as **Sikander Singh and Ors. Vs. State of Punjab and Ors** and*



other connected matters.

The operative part of the said judgment dated 14.10.2024 reads as under:-

“57. The State is directed to reframe/re-cast the merit list for the appointment to the post of Agriculture Development Officer, by including the petitioners belonging to EWS Category on the basis of their merit and not on account of reservation.

58. It is further clarified that EWS candidates who are selected on the basis of merit and not on account of reservation, are not to be counted towards the quota meant for reservation.”

*In view of the above said categorical admission made by learned counsel for both the sides, this petition is hereby disposed of with a direction to the respondents to consider the case of the petitioners in light of the legal position explained in **Sikander Singh’s case (supra)**. Entire exercise shall be done within a period of 03 months.”*

5. The petitioners cannot be made to suffer merely because the earlier writ petition bearing CWP No.22194-2020 was withdrawn qua the petitioners and there is no denial of the fact that the petitioners are working with the respondent-Corporation since 07.01.2022 as is discernible from appointment letters Annexures P-5 and P-6. Hence, the petitioners are entitled to all consequential service benefits including deemed date of appointment from the date i.e. the date their batch mates were appointed and seniority in terms of the merit list. However, the petitioners would not be entitled to the salary prior to the period from the date of their joining i.e. 07.01.2022.



6. In view of the above, the present petition stands disposed of.

16.03.2026
monika

(HARPREET SINGH BRAR)
JUDGE

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