

(2010) 07 P&H CK 0182
In the Punjab And Haryana At Chandigarh

Pawan Verma and Another	Vs	APPELLANT
State of Haryana and Others		RESPONDENT

Date of Decision : 08-07-2010

Acts Referred:

Citation : (2010) 07 P&H CK 0182

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Kanwaljit Singh Ahluwalia, J.—Pawan Kumar and Ramesh Chander, Advocates have preferred the present writ petition. It has been pleaded that in response to advertisement dated 29.3.1996 issued by the Haryana Public Service Commission (hereinafter to be referred as, "the Commission"), they applied for the post of Subordinate Judges in Haryana. Petitioners had applied as Backward Class candidates. They were also allowed the concession of fee as well as age concession which is applicable to Backward Class candidates. It is further averred that out of 1020 petitioner No. 1 secured 512 marks whereas petitioner No. 2 secured 480 marks in the written examination and viva voce.

2. Mr. R.K. Malik, learned senior Counsel appearing for petitioner No. 1 argues that the grievance of the petitioners is that the Commission in the advertisement had not reserved any post for Backward Class candidates and in case the concerned department could have rightly counted the availability of posts, then in the advertisement, 2 posts should have been advertised for Backward Class candidates. On these facts, the petitioners have prayed that records pertaining to appointment to the posts of HCS (Judicial Branch) since 1977 till the filing of the present petition in the year 1997 be called and the posts which accrue to Backward Class candidates, be made available in favour of the petitioners. It is further averred in the writ petition that the posts meant for Backward Class category were lying vacant, but intentionally and willfully the same were not advertised.

3. Joint Secretary to Government of Haryana, Political and Services Departments filed response to the writ petition, stating therein that respondent No. 2 had not qualified the said examination and respondent No. 1 was placed at serial No. 53 in the merit list. He was below one Lal Singh who was at serial No. 51 and belonged to Backward Class category. It is further submitted that even Lal Singh was not given appointment and he had not preferred any writ petition. It is further pleaded in the written statement that till the year 1991, 5% posts were reserved for Backward Class category and thereafter quota was increased to 10% for Backward Class category. In para 5 of the written statement, the Government has laid the table wherein all the appointments were made and has stated that no post meant for Backward Class category was lying vacant.

4. This Court intends to rely upon the stand taken by the Government. Furthermore, the advertisement was issued in the year 1996. A period of 14 years is going to elapse. The controversy remains only academic in nature as the petitioners at this stage cannot be appointed on the posts. Taking the totality of facts and circumstances into consideration, there is no other option except to dismiss the writ petition.

5. Hence, the present writ petition is dismissed.