

PETITIONER:
SATBIR SINGH

Vs.

RESPONDENT:
STATE OF HARYANA & ANR.

DATE OF JUDGMENT: 02/05/1997

BENCH:
J.S. VERMA, SUJATA V. MANOHAR

ACT:

HEADNOTE:

JUDGMENT:

JU D G M E N T
MRS. SUJATA V. MANOHAR, J.

The appellant is a Saini declared as one of the other backward classes in the State of Haryana by a notification dated 5.2.1991. This notification inter alia provides that persons belonging to the Saini caste and residing in the state of Haryana will be considered as forming a part of other backward classes in the state of Haryana.

Two advertisements bearing No.1 of 1995 and No.7 of 1995 were issued by the Subordinate Service Selection Board, Haryana for recruitment of candidates to various posts. One of the posts so advertised was that of lectures in political science. Under Advertisement No.1 of 1995 15 posts of lecturers in political science were advertised of which one was reserved for backward classes. Under Advertisement No.7 of 1995, inter alia, 48 posts of lectures in political science were advertised out of which 10 were reserved for backward classes. Out of these 10, six were reserved for backward classes in the 'A' category and four were reserved for backward classes in the 'B' category. After the Advertisement 1 of 1995 and before Advertisement 7 of 1995, instructions were issued by the Chief Secretary, Government of Haryana to all heads of departments and other authorities stating that the reservation for backward classes was enhanced from 10% to 27% and that amongst backward classes, it was decided to create two blocks, Block 'A' and 11% would be reserved for backward classes in Block 'B' and 16% of seats would be reserved for backward classes in Block 'A' and 11% would be reserved for backward classes in Block 'B'. There was also a reservation of 10% for ex-servicemen and 3% for physically handicapped. Castes forming part of Block 'A' and castes forming part of Block 'B' were enumerated. Saini caste was in Block 'B' that is why the advertisement 7 of 1995 divided the ten seats for backward classes into six seats for backward class candidates in Block 'A' and 4 seats for backward class candidates in Block 'B'. After these instructions, therefore, the appellant formed a part of Block 'B' amongst backward classes.

The appellant applied for the post of lecturer in

political science. Both the advertisements were clubbed together in selection of candidates. Advertisement No.7 of 1995 stated that the post which was advertised under Advertisement No.7 of 1995 was in addition to the posts advertised under Advertisement 1 of 1995 need not apply again. Their previous application would be considered. Thus application under both these advertisements were clubbed together, candidates were interviewed and selected taking into account the applications under both these advertisements. The appellant was not of the candidates selected in the backward class category. In the order of merit, he was at serial No. 5 in Block 'B' of selected backward class candidates. He was given an appointment letter dated 4.4.1996. Pursuant to his appointment, the appellant joined his post on 18.4.1996. However, he received a registered letter dated 11.6.1996 stating that there had been an error in issuing him an appointment letter and the appointment letter was being withdrawn. According to the respondent there was an error in granting an appointment to the appellant because the one post of backward class candidate which was advertised by Advertisement 1 of 1995 was erroneously considered by them as forming a part of Block 'B' while it should have formed a part of Block 'A'. Hence the appointment given to the appellant was withdrawn. The appellant has challenged this finding. He has also urged that prior to his being selected and appointed he was holding the post of lecturer in political science in Rajdevi Multi-Purpose College for Women, Behrari. He resigned from his post in order to accept the appointment offered to him on his selection pursuant to the Advertisements 1 and 7 of 1995. Now he is deprived of both these posts. He has also stated that he is a physically handicapped person and a sympathetic view should be taken of his situation.

Under Advertisement 1 of 1995, 15 posts of lecturers in political science were advertised while under Advertisement 7 of 1995 48 posts of lecturers in political science were advertised, making a total of 63 posts. Since applicants of all these 63 posts were considered for selection after the coming into force of instructions dated 20.7.1995, we will have to take into account the roster prepared under these instructions for reservation of posts for Block 'A' and Block 'B' backward class candidates. As per the roster which forms a part of instructions issued on 20th of July, 1995 the following roster points are preserved for candidates belonging to Block 'B'.

Block "B"

"9-18-27 (ESM) -63-46-54(ESM)-63-72-81 (ESM) -89(PH)-98"

Sixty three posts of lecturers in political science were being filled fifteen under Advertisement 1 of 1995 and forty eight under advertisement 7 of 1995. We will ignore roster points 27 and 54 which are for ex-servicemen. Thus upto and including serial No. 63, five roster points are reserved in the merit list of backward class candidates belonging to Block 'B'. The appellant is at Serial No.5 in the merit list of backward class candidates belonging to Block 'B'. Therefore, the letter of appointment was rightly issued to the appellant. The respondents were required to consider the total of 63 posts advertised and give roster points in accordance with the roster which forms a part of the instructions of 20th July, 1995. If this is how the appointments are examined, the appellant has been properly selected and appointed. The

termination of the appellant's service, therefore is not justified.

The appeal is accordingly allowed and the respondents are directed to continue the appellant in service in service. the appellant shall be accommodated in the first available vacancy for a backward class candidate belonging to 'B' category at roster point 63. There will, however, be no order as to costs in the circumstances of the case.

JUDIS