

Rajinder Singh

Vs

State of Haryana and Others

Civil Appeal No. 524 of 1993

(Sujata V. Manohar, D. P. Wadhwa JJ)

01.04.1998

ORDER

1. The appellant had, in 1980, made an application for one of the four posts of District Food and Supplies Officer advertised by the Haryana Public Service Commission. Thereafter two further posts also fell vacant and these six posts were filled up pursuant to the selections made by the Haryana Public Service Commission from among the applicants. Out of the posts so advertised, one post was reserved for a Scheduled Caste candidate and the remaining posts were to be filled on the basis of open merit.

2. It seems that the appellant was not selected, inter alia, on the grounds that his age was more than 30 years on the prescribed date, and he did not possess the requisite three years' service as prescribed in the advertisement. The appellant filed a writ petition in the High Court challenging his non-selection. Ultimately by an order of this Court dated 28-7-1989 in *Rajinder Singh v. State of Haryana* [CA No. 3105 of 1989] this Court held that he did possess three years' experience in view of the judgment of this Court in Civil Appeal No. 294 of 1982 disposed of on 7-4-1989. It was also held by this Court that since the appellant was the son of an army serviceman killed in action, he was entitled to age relaxation. This Court, therefore, gave a direction to the respondents to consider the question of the appellant's appointment in accordance with the law within a period of two months. A similar direction had been given in Civil Appeal No. 294 of 1982 in respect of two other persons who are Respondents 8 and 9 in the present appeal.

3. The Public Service Commission has filed an affidavit in this Court in which the Secretary, Haryana Public Service Commission has stated that pursuant to the order of 28-7-1989 [CA No. 3105 of 1989], the appellant was interviewed on 14-9-1989. Respondents 8 and 9 were also interviewed. On the basis of the evaluation of his performance in the interview, the appellant was placed at Sl. No. 31 in the merit list in comparison to the other candidates who had been interviewed for these posts earlier. Since there were about 30 candidates above the appellant, he could not be selected. Respondents 8 and 9, however, were found eligible on merit for appointment and were appointed.

4. The appellant has once again challenged his non-selection by filing a writ petition before the High Court which has been dismissed by the High Court in limine. The present appeal is filed against the order of the High Court dismissing his writ petition.

5. The appellant contends that at the material time, there was a reservation of 5% of these posts for ex-servicemen and that he should have been appointed in this quota. The resolution of the State of Haryana dated 21-5-1979 is to the effect that a dependent son or daughter of an ex-serviceman, who

fulfils all the conditions of qualifications, age etc. prescribed for the post should also be considered on merit for the post reserved for ex-servicemen to the extent of non-availability of suitable ex-servicemen. There is no material placed before us which would indicate that any of the posts which were advertised in the present case were reserved for ex-servicemen and their dependents. The affidavit filed by the State as well as by the Haryana Public Service Commission is to the effect that one post was reserved for a Scheduled Caste candidate and the remaining posts were open merit posts. There is no dispute that 5% of posts are reserved for ex-servicemen/dependents. But out of the six posts in the present case, none was reserved for ex-servicemen/dependents. Therefore, the appellant is not entitled to claim any of these posts on the basis of being the dependent of an ex-serviceman.

6. The appellant has also alleged mala fides against the Chairman of the Haryana State Public Service Commission and some other members. The main allegation, however, is against the Chairman of the Haryana Public Service Commission. According to the appellant, the Chairman was biased against him when the second interview was held because he had approached this Court earlier. We do not find any substance in this allegation. Respondents 8 and 9 had also approached this Court earlier. Yet they have been selected.

7. In the premises, looking to the position of the appellant in the merit list after the second interview, no relief can be granted to the appellant.

8. The appeal is, therefore, dismissed. There will, however, be no order as to costs.