

SUSHILA DEVI ETC.
v.
STATE OF HARYANA AND ANR.

APRIL 2, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Service Law :

Appointment—Supervisors—Selections made by Haryana Subordinate Services Selection Board—Vacancies as notified to be filled by general category candidates subsequently reduced to give representation to the reserved category candidates on carried forward reserved vacancies—Some of general category candidates appointed on ad hoc basis against reserved vacancies filing writ petition for regularisation—High Court declining to grant relief—Held, Selection Board would finalise selection lists in the order of merit of all candidates as per procedure including reserved categories and Government would make appointments accordingly.

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 7072-73 of 1996 Etc.

From the Judgment and Order dated 20.2.90 of the Punjab & Haryana High Court in R.A. No. 68/90 in C.W.P. No. 1934 of 1990.

Sunil Kumar Jain for the Appellants.

Ms. Renu George for Ms. Indu Malhotra for the Respondents.

The following Order of the Court was delivered :

Leave granted.

We have heard learned counsel on both sides.

The respondents in their counter-affidavit have explained that initially, as many as 230 posts of Supervisors were notified by the Subordinate Services Selection Board indicating therein the number of posts available to various categories. It is stated that initially 57 posts were reserved for the Scheduled Castes, 28 posts for Backward Classes, 31 posts for Ex-servicemen and 114 for general candidates. Subsequently, the Board had

clarified that the carried forward posts shall be included for the reserved candidates. Consequently, 97 posts were reserved for the Scheduled Castes, 38 posts for Backward Classes and 72 posts for the Ex-servicemen. Out of the general posts due to the selected candidates those who moved the High Court obtained stay orders and 136 vacancies were occupied by such candidates. Consequently, 24 posts remained to be filled.

The appellants approached to the High Court by filing the writ petitions seeking similar directions for their appointment on regular basis. In the counter-affidavit filed in the High Court it was stated that they were appointed on *ad hoc* basis against the reserved vacancies and that, therefore, the High Court has held that the appellants cannot be appointed in the reserved vacancies. Thus, these appeals by special leave.

It is sought to be contended by the appellants that since the appellants were duly selected by the Subordinate Services Selection Board, the appellants are entitled to be appointed to the vacancies of the general candidates and they are not seeking any placement to the posts meant for the reserved categories enumerated hereinbefore.

The learned counsel for the respondent stated that 24 posts are available to the general candidates selected by the Selection Board. In view of the fact that a large number of persons have gone to the Court and obtained stay orders they are continuing as per interim directions issued by the High Court.

In view of the above stand of the respondents, we do not adjudicate the dispute in these appeals. It is needless to mention that the Selection Board would finalise the select lists in the order of merit of all the candidates as per its procedure including reserved categories and would communicate to the Government who would offer order of appointment to the selected candidates found eligible, after confidential verification in terms of their order of merit mentioned in the selection list. If the appellants come within their zone in the orders of merit, they are ordered to be considered for regular appointment to the posts meant for the general candidates. All the appointment should accordingly be made.

The appeals are accordingly disposed. No costs.

Appeals disposed of.