

2025:PHHC:022679



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

115

CWP-1433-2025
Date of Decision: 17.02.2025

NEERAJ

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Abhimanyu Kalsy, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has approached this Court challenging the order dated 05.12.2024 (Annexure P-9) passed by respondent No.2-The Director General, Animal Husbandry & Dairying Department, Haryana, whereby the representation of the petitioner for considering him for the post of VLDA in the respondent-Department has been declined on the following twin grounds

- (i) that the High Court in its order dated 18.01.2022 passed in CWP No.7138-2017 titled Vikas and Others Versus State of Haryana and Others as well as in CWP No.9997 of 2017 titled as Anil Kumar and Others Versus State of Haryana and Another had directed to consider only the petitioners therein against the 44 backlog posts meant for physically handicapped persons of General Category; and
- (ii) that the department has appointed 65 persons including the petitioners and that there are no vacancies available with the

department for appointing candidates against Advertisement No.7/2015, category No.14.

Learned counsel for the petitioner contends that the reason cited by respondent No.2-The Director General, Animal Husbandry & Dairying Department, Haryana that this Court had directed to appoint only the petitioners in the said writ petitions against the 44 backlog posts meant for physically handicapped persons is factually incorrect inasmuch as the directions issued by this Court in its order dated 18.01.2022 are concerned. The said directions are reproduced as under: -

“34. As an upshot, a writ in the nature of mandamus is hereby issued, commanding the respondents that

- (a) the 44 backlog posts reserved for Physically Handicapped candidates which are currently lying vacant for want of eligible candidates in this category, even after the second attempt for recruitment, be filled up from the general category candidates by appointment of persons other than persons with disability;*
- (b) appointments shall be made on the basis of merit/seniority in the waiting list of candidates (including the petitioners) who had competed for the posts in response to the same advertisement and such appointees’ shall be placed at the bottom of seniority in the general category;*
- (c) since on the one hand there is a serious shortage of VLDAs, on the other petitioners have been deprived of their livelihood from 2017 onwards, needful be done within a period of thirty days, from the date the petitioners approach the respondents along with the certified copy of this order; and*
- (d) it is also directed that in the future advertisements, the respondents shall make it mandatory for the candidates*

applying against the horizontally reserved posts to indicate whether they belong to SC/BC/ST or General category.”

Referring to the above, learned counsel for the petitioner contends that the appointments were required to be made on the basis of merit-cum-seniority in the waiting list of candidates including the petitioners and the order dated 18.01.2022 passed by this Court was not to be construed as confining the right of appointment only to the petitioners in the abovementioned writ petitions. It is thus submitted that there is an inherent flaw in the impugned order dated 05.12.2024 as the same has been passed on a wrong premise.

Notice of motion.

Ms. Tanisha Peshawaria, DAG, Haryana accepts notice on behalf of the respondents and fairly concedes that the premise/reason that only the petitioners in the abovementioned writ petitions were ordered to be considered for appointment against the 44 backlog posts, originally kept for physically handicapped persons, has been wrongly recorded by the respondent No.2-The Director General, Animal Husbandry & Dairying Department, Haryana.

In view of the aforesaid fair stand adopted by the learned State Counsel as well as in light of the directions issued by this Court in its order dated 18.01.2022 (as extracted above), the present writ petition is allowed to the abovesaid limited extent. The impugned order dated 05.12.2024 is set aside. The matter is remanded to the respondent No.2-The Director General, Animal Husbandry & Dairying Department, Haryana for passing the order afresh after correctly appreciating the directions issued by this Court in its order dated 18.01.2022 passed in CWP No.7138-2017 titled Vikas and Others Versus State

of Haryana and Others as well as in CWP No.9997 of 2017 titled as Anil Kumar and Others Versus State of Haryana and Another.

Let the needful be done within a period of three months of the receipt of certified copy of this order.

FEBRUARY 17, 2025.

Rajender

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*