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

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Date of Decision: **September 23, 2025**

Sunil Dutt

.....Petitioner

**VERSUS**

Dakshin Haryana Bijli Vitran Nigam Limited and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present : Mr. Sunil Kumar Nehra, Rahil Mahajan, Viren Nehra, Arjun Dosanj, Anuj Chauhan and Ms. Meghna Nehra, Advocates for the petitioner.

Mr. Jagbir Malik, Advocate for respondent No.1.

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**HARPREET SINGH BRAR, J. (Oral)**

1. The present writ petition has been filed under Article 226/227 of the Constitution of India with a prayer for issuance of an appropriate writ, order or directions especially in the nature of *mandamus* directing the respondent No.1-DHBNL to issue appointment letter to the petitioner on the post of Assistant Lineman ( hereinafter 'ALM') in the General Category in pursuance to recommendation list dated 06.02.2024(Annexure P-7) sent by the Haryana Staff Selection Commission along with all consequential benefits and further restraining the respondent No.1 from cancelling the candidature of the petitioner for the post of ALM and one post of ALM in the General Category in DHBNL be kept reserved.

2. Learned counsel for the petitioner *inter alia* contends that the



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petitioner had applied for the Group C post in the General-PWD Category (Physically Handicapped) and submits that he remains successful in the selection process, however, has not been given the appointment. He further submits that it is a trite law that any candidate who obtains more marks than the last selected candidate in the General category is entitled to be considered for the appointment. The respondents neither granted any benefit of the disability nor considered the petitioner in General category, in spite of the fact that he had secured more marks than the last selected candidates. The respondent No.2-Haryana Staff Selection Commission considered the case of the petitioner and recommended his candidature in the same category as discernible from Annexure P-7. The name of the petitioner is at Sr. No.1392 and the category mentioned against him in the list is unreserved. Further, he has not been given any relaxation on account of his disability, as such, he is eligible for appointment in the general category in terms of the judgments passed by Hon'ble Supreme Court in *Civil Appeal No.3303 of 2015*, decided on 01.02.2022, titled as *Union of India Versus Pankaj Kumar Srivastava and another* and judgment passed by a Division Bench of this Court in *LPA No.180 of 2025*, decided on 22.01.2025, titled as *Haryana Staff Selection Commission Versus Baljeet Singh and others, 2025 NCPHHC 9402*.

3. *Per contra* learned counsel for respondent No.1 submits that petitioner had never applied under the Visual Handicap category, for which, post was never advertised and respondent No.2 has wrongly recommended the name of the petitioner. Moreover, the selection list has been set aside by this Court vide judgment passed in *CWP-16536-2023 and other connected cases*,



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titled as *Rahul Versus State of Haryana and another*, decided on 04.08.2023, which has also been upheld by a Division Bench of this Court in *LPA-1037-2023 (O&M)* decided on 31.05.2024. Further, the order of the Division Bench has also been upheld by the Hon'ble Supreme Court and directions were issued for recasting the merit after reviewing the marks given under the socio-economic criteria.

4. However, learned counsel for respondent No.1 could not controvert the fact that the petitioner had secured more marks than the last selected candidate in the General Category in the earlier select list. He further submits that as and when the fresh select list is prepared by respondent No.2 by excluding the marks given in the socio-economic criteria, in case the petitioner falls within the select list, his claim would be considered and appropriate orders will be passed in accordance with law.

5. I have heard the learned counsel for the parties and perused the record with their able assistance.

6. A Two Judge Bench of the Hon'ble Supreme Court in *Pankaj Kumar Srivastava's case (supra)* has held as under:-

*“3. The instant batch of appeal(s)/matters are filed by the Union of India assailing the judgement of the Division Bench of the High Court of Delhi affirming order passed by the Central Administrative Tribunal (the Tribunal). The respondents before us are differently a bled persons who have participated in the selection process held by CSE either in the years 2006, 2007 or 2008 respectively. The question raised for our consideration is whether the differently abled persons who have qualified at their*



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*own merit without availing benefit of relaxation are entitled to occupy the open category vacancy and additional numbers of vacancies are to be filled for differently a bled persons in the physically disability category reserved for them in terms of the provisions of the 1995 Act keeping in view the mandate of Section 33 of the Act. Circular (s)/ O.Ms. have been issued by the Government of India dated 29.12.2005 followed with dated 29.04.2006 and later dated 15.01.2018. **In substance, such of the candidates who find place in open merit without availing any relaxation are to be adjusted against open category vacancy and additional numbers of vacancies will be made available to such of the differently a bled persons who have availed relaxation while participating in the selection process taking advantage of reservation for physically challenged persons.***

*(Emphasis Added)*

7. In view of the above discussion, the present petition is disposed of with a direction to the respondents/competent authority to consider the case of the petitioner, in case of fulfilling the eligibility criteria and his name is recommended in the fresh select list by respondent No.2, his case shall be considered in terms of *Pankaj Kumar Srivastava's case (supra)*.

8. Pending miscellaneous application(s), if any, shall also stands disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**September 23, 2025**

*P.C*

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No