

GOVERNMENT OF HARYANA
GENERAL ADMINISTRATION DEPARTMENT
GENERAL SERVICE-III BRANCH

No. 22/149/2015-1GS-III

Dated Chandigarh, the 21-08-2015

To

1. All the Administrative Secretaries to Government, Haryana.
2. All Head of the Departments in the State of Haryana.
3. The Commissioner, Ambala/ Hisar/ Gurgaon/ Rohtak Division.
4. All the CAs/MDs of Boards/Corporations/Public Sector Undertakings in the State of Haryana.
5. The Register General of Punjab and Haryana High Court, Chandigarh.
6. All the Deputy Commissioners in the State of Haryana.
7. The Registrar of all the Universities in the State of Haryana.
8. The Secretary, Haryana Public Service Commission, Panchkula.
9. The Secretary, Haryana Staff Selection Commission, Panchkula.
10. All the Sub Divisional Officers (Civil) in the State of Haryana

Subject:- Grant of reservation in direct recruitment /admission in Universities/Colleges of Haryana State in case of Special Backward Classes.

Sir/Madam,

I am directed to invite your kind attention to the Government instructions issued vide No. 22/10/2013-1GS-III, dated 15.07.2014 which was issued in supersession of instructions issued vide No. 22/10/2013-1GS-III, dated 28.02.2013 and notification of Welfare of Scheduled Caste & Backward Classes Department issued vide U.O.No. 59 SW(1)-2013, dated 24.01.2013 on the subject noted above vide which inter-alia it was decided to give 5% reservation in Class I and II and 10% reservation in Class III and IV in direct recruitment posts under Government/Government Undertakings & Local Bodies as well as in admission in Government /Government aided educational /technical /Professional Institution to Special Backward Classes.

2. It is intimated that vide orders dated 27.07.2015 the Hon'ble Punjab and Haryana High Court, Chandigarh in Civil Writ Petition No. 2441, 6076, 13150 of 2014 & 9132 of 2015 has restrained the State of Haryana to give any employment in the Government services and admissions in educational institutions on the basis of the impugned notifications. A copy of order dated 27.07.2015 may be downloaded from Government website i.e. www.csharyana.gov.in and www.haryana.gov.in for detailed information and necessary action.

3. In pursuance of orders of the Hon'ble High Court dated 27.07.2015 as mentioned in para 2 above, the State Government has decided that for the posts which have been advertised and application forms have also been received, the candidates who have applied within Special Backward Classes

category may be issued provisional admit cards with the condition that their final result will be declared after final outcome of the pending writ petitions in the Hon'ble High Court. For this purpose corrigendum may be given with reference to their earlier advertisements by HPSC/HSSC and other quarters concerned making recruitment. These candidates, except those who have availed the benefit of age relaxation, shall be considered against general vacancies if successful in the examination and within the merit of general candidates in case the final judicial verdict quashes the impugned notification.

In case the writ is not decided till the recruitment process is over and result is ready to be declared then the result of the Special Backward Classes candidates who have availed the benefit of age and fee relaxation and have competed in general category on merit shall be withheld till the decision of the writ. In case the Special Backward Classes reservation notification is quashed then these Special Backward Classes candidates result will be null and void as they become ineligible on grounds of age.

In the case of those Special Backward Classes candidates who competed without benefit of age relaxation, against general vacancies and succeeded on merit, there is no hitch in declaring the result.

In case the writ/decision upholds the Special Backward Classes notification, then the SBC candidates, whether with/without benefit of age relaxation shall be selected as per the same ratio that other reserved category candidates are selected i.e. candidates who succeed in general merit be counted in general/ open vacancies and the others against the Special Backward Classes quota, as is the legally settled procedure for SC/ ST/ OBC vacancies also.

4. For those posts which are not yet advertised, it is decided that revised requisition be sought from the Departments by retaining/ with-holding the number of posts meant for Special Backward Classes as per roster till the final decision of Hon'ble High Court. These can be re-advertised as per the judgement/ final decision as a backlog OR for general candidates, as the case may be.

5. In case of admissions of Special Backward Classes in Universities/ Colleges, the State Government had decided that 10% seats meant for the Special Backward Classes may be kept vacant for the time being during the counselling process as an interim measure to comply with the directions of the Hon'ble High Court. It is further decided that after filling up of 90% of the seats in the institutions, the Administrative Department's may send the case to the Government for re-visiting the situation. The concerned department have also been advised/instructed vide State Government letter No. 22/146/2015-1GS-III, dated 05.08.2015 and 06.08.2015.

Yours faithfully,


Superintendent, GS-III Branch,
for Chief Secretary to Government, Haryana ✓

CWP No.9132 of 2015

**Ved Prakash and another
Vs.
State of Haryana and others**

Present: Mr. R.K. Chopra, Sr. Advocate with
Mr. Pawan Kumar, Advocate
for the petitioners.

Mr. Baldev Raj Mahajan, Advocate General, Haryana with
Mr. Lokesh Sinhal, Addl. A.G., Haryana.

Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Sube Sharma, Advocate for respondent No.3.

Written statement has been filed on behalf of respondents
No. 1 and 2 in Court today. The same is taken on record and a copy
thereof has been supplied to learned counsel for the petitioners.

We have heard learned counsel for the parties on the
prayer of staying the operation of the impugned notifications dated
24.01.2013 (Annexure P-2) and 28.02.2013 (Annexure P-3).

Undisputedly, the impugned reservation in favour of five
classes of people, namely Bishnoi, Jat, Jat-Sikh, Ror and Tyagi
residing in Haryana State has been made by the State of Haryana on
the basis of Justice K.C. Gupta Commission's report. The said report
was not accepted by Hon'ble the Supreme Court while giving
judgment in **Ram Singh and others Vs. Union of India, 2015(3)**
Scale 570, whereby reservation of Jat community in the Central List
of Other Backward Classes, has been set aside.

Keeping in view the said judgment and the fact that
Justice K.C. Gupta Commission's report, on the basis of which the
impugned reservation has been made by the State of Haryana, was
not accepted, and also keeping in view the dismissal of review

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application by the Supreme Court, we restrain the State of Haryana to give any employment in the Government service and admission in educational institution on the basis of the impugned notifications.

Admitted.

To be listed for regular hearing within one year.

(SATISH KUMAR MITTAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

27.07.2015
Atul