

**GOVERNMENT OF HARYANA
GENERAL ADMINISTRATION DEPARTMENT
GENERAL SERVICES-III BRANCH**

No. 22/98/2018-1GS III

Dated Chandigarh, the 7th September, 2018

To

1. All the Administrative Secretaries to Government, Haryana.
2. All Heads of departments in the State of Haryana.
3. All MD of Boards/Corporations/Public Service Undertakings in the State of Haryana.
4. All the Divisional Commissioners in the State of Haryana.
5. All the Deputy Commissioners the state of Haryana.
6. Registrars of all the State Universities in the State of Haryana.

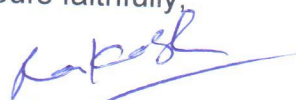
Subject:- Scope of order dated 3/8/2018 in CWP No. 18178 of 2018 Sonia Devi and others Vs. State of Haryana and others.
In reference to appointments of candidates selected for various posts under EBPG Category in the State of Haryana.

Sir/Madam,

This is to inform that Shri Baldev Raj Mahajan, Advocate General, Haryana, has provided an advice relevant to EBPG appointments, vide his D.O. letter No. 870. Dated 28.8.2018. A Copy of the said D.O. is enclosed for further necessary action in the matter.

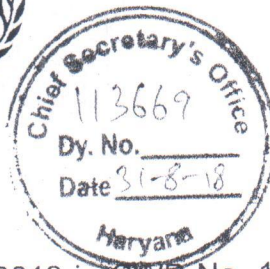
This may please be brought to the notice of all concerned for strict compliance.

Yours faithfully,



Under Secretary General Administration,
for Chief Secretary to Government, Haryana

BALDEV RAJ MAHAJAN
Senior Advocate



D.O. No. 870

Advocate General, Haryana,
Chandigarh.

महाधिवक्ता, हरियाणा, चण्डीगढ़।

Dated: 28/8/18

दिनांक :

Subject: Scope of order dated 3/8/2018 in CWP No. 18178 of 2018 Sonia Devi and others Vs. State of Haryana and others.
In reference to appointments of candidates selected for various posts under EBPB Category in the State of Haryana.

Dear *Dhesh Sahib,*

Civil Writ Petition No. 18178 of 2018 titled Sonia Devi and others Vs. State of Haryana and others has been filed challenging the notification dated 27/9/2013, providing 10% reservation to Economically Backward Persons in General Category (EBPG) and its implementation in recruitment to posts of **Multi-purpose Health Workers (Female) (MPHW - Female)** in the EBPB category vide advertisement dated 19/6/2015.

An Hon'ble Division Bench of High Court on 3/8/2018, while issuing notice of motion stayed issuance of appointment letters to selected candidates of EBPB category till 21/8/2018. On 21/8/2018, this interim order has been ordered to continue till next hearing fixed for 17/9/2018.

Various departments are now seeking opinion as to whether the said order dated 3/8/2018 in CWP No. 18178 of 2018 prevents them for issuing appointment letters and permitting joining to candidates selected for various posts advertised by them under EBPB Category.

In this regard, it is informed that stay order dated 3/8/2018 against issuing of appointment letters to EBPB candidates in CWP No. 18178 of 2018 does not apply to any other appointments made by any other department of the State Government as the same are not in issue or in question in the said Writ Petition. The order dated 3/8/2018 passed by the High Court is applicable only to the appointments sought to be made under EBPB category to the post of MPHW (Female) under advertisement dated 19/6/2015. The said interim order does not extend to appointments to be made under EBPB category on any other post, not questioned or challenged in the said Writ Petition.

It is also informed that many other writ petitions have been filed challenging the reservation in favour of EBPB, such as CWP No. 23621 of 2017 titled as Vikas Malik Vs. State of Haryana and others, CWP No. 27749 of 2017 titled as Baljinder Vs. State of Haryana and others but the Court has not granted any stay, either against the notification dated 27/9/2013 or against appointment in those cases. I also draw your attention to the stand of the State in its affidavit dated 17/5/2018 filed in, and the consequent order dated 18/5/2018 passed by the High Court in CWP No. 18514 of 2016 Kalindi Vashishta Vs. State of Haryana and others, wherein the State has been allowed to make appointments under the EBPB category in cases where the appointment processes in relation to such appointments were started before 7/12/2017, subject to the decision of the said Writ Petition.



D.O. No.

Advocate General, Haryana,
Chandigarh.

महाधिवक्ता, हरियाणा, चण्डीगढ़।

Dated :

दिनांक :

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Therefore, in light of the above position, it is informed that the stay order dated 3/8/2018 in CWP No. 18178 of 2018 does not operate as an injunction against the State Departments in issuing appointment letters to the candidates selected for various posts under the EBPB category, which are not in question or under challenge in CWP No. 18178 of 2018. The State can proceed to give appointments and permit joining of such selected candidates, provided their appointment process was initiated before 7/12/2017.

It is, therefore, requested that all departments of the State Government be advised to act accordingly.

With regards.

Yours sincerely

(Baldev Raj Mahajan)
Advocate General, Haryana

Sh. D.S. Dhesi, IAS,
Chief Secretary to Government,
Haryana, Chandigarh.