

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA:

CWP.No.594 of 2002.

Date of Decision :21.3.2007.

Rajesh Kumar.

....Petitioner.

Versus:

H.P.University.

...Respondent.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?¹

For the petitioner: Mr.Adarsh Kumar Vashista, Advocate.

For Respondent. Mr.V.D.Khidta, Advocate.

Sanjay Karol, J (Oral).

By means of the present writ petition, a writ of mandamus is sought to the effect that the respondent be directed to consider the case of the petitioner for recruitment against the reserved category in the department of Public Administration of the respondent-University. A prayer is also made that the respondent be directed to adhere to the provisions of the Constitution of India . The petitioner has done his B.A. and M.A. in Public Administration in the

¹ Whether reporters of Local Papers may be allowed to see the judgment?

year 1992 from the H.P. University. In the year 1993 the petitioner has been awarded a degree of "Doctor of Fellow-ship in Public Administration". The grievance of the petitioner is that in spite having made reservation for Scheduled Castes category to the extent of 15% for the post of Lecturer in the University, in terms of Notification dated 20th March, 1990, none of the posts advertised and filled up in the department of Public Administration of the respondent-University has been reserved.

The respondent has filed its reply, wherein it has been stated that Notification dated 20th March, 1990 is to be applied prospectively and subject-wise in all the Wings of the University i.e. Teaching Departments, Directorate of Correspondence Course and H.P. University Evening College. It is further stated that as per model roster prescribed for direct recruitment made on All India basis for Class-I and II posts, the first and fourth points were reserved for S.C. and S.T. categories respectively. Prior to November, 1998, there was only one vacancy in the Department of Public Administration of respondent-University and in terms of instructions issued by the State of H.P. contained in letter dated 5th April, 1976 and 31st January, 1977 the said post was treated as un-reserved and filled up accordingly. Subsequently, the reservation for O.B.C. category also came into force and under Government instructions contained in letter dated 20th August, 1998, the reservation roster as prescribed by the Government was revised w.e.f. 12th December, 1997 providing vertical and horizontal points for reservation. In case of direct recruitment on All India basis by a open competition, the Model roster for cadre strength up to 13 posts is as under:

“Cadre Strength	Initial Ist Rectt.	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th	
1.	UR	UR	UR	UR	UR	UR	SC	UR	OBC	UR	UR
2.	UR	UR	UR	UR	SC	UR	OBC	UR	UR	UR	
3.	UR										
4.	UR										
5.	UR										
6.	UR										
7.	SC										
8.	UR										
9.	OBC										
10.	UR										
11.	UR										
12.	UR										
13.	UR”										

It has been further stated that vide advertisement No.2/2002 (Annexure:P-7), four posts of Lecturers in Public Administration for ICDEOL (Correspondence Course) and two posts of Lecturer in Public Administration for HPU regional Centre, Dharamshala were advertised. Presently, there are only two Lecturers working in the subject of Public Administration in ICDEOL and one Lecturer in HPU Regional Centre, Dharamshala. The posts have been advertised in terms of the roster fixed by the Government. It has, however, been clarified that as and when the seventh post is created, it shall be reserved for S.C. candidates and in which event he shall be considered against such vacancy. It is, however, open for the petitioner to compete in the open category.

In my view, there is no violation of the provision of any statute or Constitution of India. There is also no challenge to the fixation of the roster point. Even advertisement issued by the respondent for filling up six posts has not been assailed In view of the affidavit filed by the respondent, a categorical stand has been taken by the respondent that as and when the seventh post for the

Lecturers in the Department of Public Administration is advertised, it will be open for the petitioner to apply and compete along with others in reserved categories. In this view of the matter, I find no merit in this writ petition and it is accordingly disposed of.

**(Sanjay Karol),
Judge.**

March 21, 2007(R)