

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

LPA No.465 of 2016 (O&M)

Date of decision: March 30, 2016

Navtej Singh

----Appellant

Versus

State of Punjab and another

----Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr.R.K.Arora, Advocate for the appellant.

HARINDER SINGH SIDHU, J.

This intra-Court appeal under Clause X of the Letters Patent has been filed against the order dated 28.1.2016 of the learned Single Judge, whereby, CWP No.10739 of 2012 filed by the appellant challenging the action of the respondents in not considering him eligible for appointment as Clerk in the Sports General Category, was dismissed.

In response to advertisement dated 1.5.2011 the appellant had applied for the post of clerk in the respondent – Punjab State Agricultural Marketing Board in the Sports General Category. He possessed Grade 'C' certificate in sports, which was issued to him by the competent authority on 14.10.1994 in terms of the then prevailing instructions dated 4.8.1992. His claim for consideration for appointment in the Sports General Category was declined vide order dated 9.5.2012 on the ground that the criteria for issuance of Grade 'C' Sports Certificate had been changed vide instructions dated 10.12.1997 and the certificate possessed by him was not valid

in terms of the amended instructions.

The writ petition filed by the appellant challenging the aforesaid action was dismissed. It was observed that as the advertisement in response to which appellant applied had been issued in 2011, the case of the appellant could be considered only in terms of the instructions applicable at that time and not in terms of earlier instructions of 1992. It was held that the policy/instructions can always be changed.

We have heard Ld. Counsel for the appellant. As per instructions dated 4.8.1992, of the Punjab Government, Department of Education, the criteria for the grant of Grade-C Sports Gradation Certificate was as under:

“Grade-C

Sportsmen/women who have participated in the following tournaments/ championships/ meets etc.

- i) All India Inter-versity tournaments.*
- ii) Inter-District State Championships organised by the recognised State Sports Associations.*
- iii) Punjab State Games organised by POA.*
- iv) Punjab State Championship for women organised by Punjab Sports Department.*
- v) State School Games organised by the Punjab Education Department.”*

This was amended and as per instructions dated 10.12.1997 issued by the Sports and Youth Service Department, the following are eligible for Grade-C certificate:-

“Grade-C

Sportsmen/women who have achieved 1st, 2nd and 3rd position in the following

tournaments/Championship/meets will only be graded:-

- (i) Position holder of Punjab State Championships for Senior and Junior organized by Punjab Sports Department/Punjab Olympic Associations.*
- (ii) Position holder of Inter-District State Championships organized for senior and juniors under banner of Punjab Olympic Association/Punjab Sports Department/State Sports Associations.*
- (iii) Position holders of State School Games organized by Education/Sports Department.”*

While, as per the 1992 instructions, mere participation in the listed tournaments was sufficient for award of certificate, whereas as per the 1997 instructions, only those who achieved first, second and third positions in the listed tournaments, were to be awarded Grade `C' certificate.

The Ld. Single Judge rightly held that the criteria framed can always be changed and the petitioner's case could only be considered in terms of the policy/instructions applicable at the time of advertisement.

We find no infirmity in the impugned order. Accordingly, the appeal is dismissed.

(RAJESH BINDAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

March 30, 2016
Atul

(Refer to Reporter)