

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4416-2012 (O&M)
Date of decision : 01.11.2018

Yuvraj Bir Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Karamvir Varing, Advocate,
for Mr. Kapil Kakkar, Advocate,
for the petitioner.

Mr. V.M. Gupta, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J.

The petitioner has laid challenge to order dated 20.12.2011 (Annexure P-10), passed by respondent No.3, whereby, he was found ineligible for appointment to the post of teaching fellow against the seats reserved for Sports category.

It is contended that the petitioner is a sports-person and possesses 'D' Grade certificate. The action of the respondents in not considering the candidature of the petitioner is against the provisions of government instructions dated 10.12.1997 (Annexure P-11) as also the law laid down by this Court in the case of ***Rajwinder Singh and others Vs. State of Punjab and others***, CWP No.7895 of 2008, decided on 03.05.2010 (Annexure P-7).

On the other hand, learned State counsel submits that as per

advertisement dated 05.09.2007 (Annexure P-3), only candidates who possessed Grade 'A' and 'B' certificates were eligible for consideration. The petitioner is possessing Grade 'D' certificate, therefore, he was considered in the General category.

Heard.

The petitioner has claimed selection against the posts reserved for Sports-person. The relevant extract of the advertisement (Annexure P-3), dealing with the same reads thus:-

“General Conditions

5. *Candidate seeking reservation under Sports Quota shall have to produce a certificate that they belong to the State of Punjab. They shall also be required to produce a certificate indicating that they have won 1st, 2nd or 3rd position in the team or individual events in the State level championship in any of the disciplines affiliated to Punjab Olympic Association organized by the State Level Federation. In case of reputed Non-Olympic disciplines such as Cricket and Tennis, a winner should have attained any of the first three positions in a State Level Association affiliated to the concerned National Federation. The sports certificate duly graded by the Director of Sports, Punjab, shall be a pre-requisite in the case of candidate who applies under sports quota category. Only A grade and B grade certificate holder will be considered.”*

Similar controversy came to be decided by this Court in Rajwinder Singh's case (supra), wherein, it has been laid down as under:-

“(1). The petitioners applied for the posts of

JBT Teachers in response to the Advertisement No.2/September 2007 (Annexure P5). The petitioners sought the benefit of reservation meant for Sports-persons but their grievance is that the said benefit has been restricted to those Sports-persons only who are possessing 'A' or 'B' sports grading. According to the petitioners, the post of a JBT Teacher, being at the lowest rung amongst the Class-III category, the respondents ought to have considered eligible the Sports-persons with 'C' or 'D' grading as well.

(2). The respondents have filed their counter-affidavit defending their action. During the course of hearing it transpires that as against 25 posts reserved for Sportspersons in District Ludhiana, only two candidates with 'A' or 'B' sports gradation applied and the remaining posts could not be un-filled obviously for want of sufficient candidates with 'A' & 'B' sports gradation and who might be interested for appointment as JBT teachers. In these circumstances, it is imperative upon the respondents to follow their own sports policy and invite applications from the Sports-persons possessing 'C' gradation in sports. The question as to whether the sports-persons with 'D' grade can also be held eligible for the subject posts, is a matter of policy-decision which the respondents may take in near future keeping in view the facts and circumstances of the case.

(3). The writ petition is, accordingly, allowed to the extent that the respondents shall invite fresh applications for the posts reserved for Sports-persons by relaxing the condition of requirement of 'A' or 'B' gradation. It is further directed that the petitioners or other Sportspersons, who have already applied in response to the original advertisement, shall also be considered

along with other eligible candidates and the process of recruitment shall be concluded within a period of six months from the date of receipt of a certified copy of this order.”

The petitioner being a holder of 'D' Grade certification is not eligible to be considered in the category against category of Sports-person. Instead, his candidature has rightly been considered as a General Category candidate and as per the merit list, no candidate lower in merit than the petitioner in the General category has been offered appointed. Therefore, his candidature has been rightly rejected. No other argument has been made.

In view of the above discussion, this Court is of the considered opinion that the instant petition is devoid of any merit and the same is, hereby, dismissed.

01.11.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No