

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

Date of decision : 29.11.2018

(I) CWP-21991-2015 (O&M)

Deepika Thakur

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

(II) CWP-23017-2015 (O&M)

Deepti Kanwar

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Maninder Kaur, Advocate,
Mr. Pawan Kumar, Advocate,
for the petitioner(s).

Ms. Ambika Bedi, AAG, Punjab.

JITENDRA CHAUHAN, J.

The petitioners seek issuance of a writ in the nature of Mandamus directing the respondents to consider the claim of the petitioners for selection and appointment as Ayurvedic Medical Officer against the posts reserved for Sports person category or in the general category.

It is contended that petitioner-Deepika Thakur is a Hockey player, whereas, petitioner Deepti Kanwar is a Swimmer. Both of them participated in the State as well as National level competitions and have

been graded as 'B' in the Sports Gradation Certificate. The Punjab Public Service Commission issued public notice (Annexure P-5) for recruitment of 66 Ayurvedic Medical Officers. Both the petitioners applied against the solitary post reserved for the 'Sports person' category. The petitioners appeared in the written test and qualified the same, however, they were not called for the interview on the ground that they were not covered under the definition of sports person Punjab.

It is contended that the stand taken by the respondents is against the record as both the petitioners being sports-person with sports gradation certificate 'B' are covered under the definition of sports person Punjab. It is further submitted that even if the petitioners are treated as ineligible for selection in the Sports category, their candidature may be considered as a General category candidate.

On the other hand, learned State counsel submits that the case of the petitioners has been rejected as they have neither secured 1st position at National Level nor 1st or 2nd or 3rd position at International level.

Heard.

Rule 13.5 of the Punjab Sportsman Rules, 1988 reads thus:-

“13.5 SPORTS PERSON (PUNJAB)

A candidate can claim reservation under the Sports Person category only if:

- (i) He/She belongs to State of Punjab; and*
 - a) He/She has won National Championship in team or individual events while representing the State of Punjab in such sports events as have been conducted by such respective National Federations as are affiliated to the Indian Olympic Association; or*

b) He/She has won National Championship in team or individual events which are organized by the Indian Olympic Association; or

c) He/She has won first, second or third position in team or individual events and/or he has won Gold or Silver or Bronze Medal, at International Sports meets, conducted by International Federations affiliated to the International Olympic Committee or by the International Olympic Committee itself.

(ii) XXX

(iii) XXX

(iv) XXX”

From the perusal of the above, it is clearly established that the petitioners do not come under the definition of Sports person as required under the advertisement in question. Therefore, the candidature of the petitioners has rightly been rejected.

In view of the above, the claim of the petitioners to the extent of consideration of their candidature against the post reserved for sports person category is rejected.

However, in case, the petitioners are found eligible in their basic category(ies), their candidature be considered.

The instant petitions are disposed of in the above terms.

29.11.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No