

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

**Civil Writ Petition No. 28099 of 2018 (O&M)
Date of Decision: 02.11.2018**

Shivankat Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. B.P.S. Virk, Advocate for the petitioner.

JASWANT SINGH, J.

1. Petitioner (*Shivankat Singh*) was an aspirant for the post of Civil and Allied Services in the State of Punjab applied under Sports Quota whereas the respondents declared his result in General category List. The grievance of petitioner is that he has been wrongly shown in the General Category List whereas he had applied under Sports Category.

2. The petitioner through instant writ petition under Article 226 and 227 of the Constitution of India has sought quashing of result List *qua* the petitioner to the extent he has been shown in General Category List instead of Sports Category List.

3. Punjab Public Service Commission (for short 'Commission') issued an advertised in March' 2018 (**Annexure P-5**) inviting applications for the post of Civil and Allied Services in the State of Punjab. In the advertisement, Reservation Policy *qua* sports person was duly disclosed. The petitioner applied in Sports Category and Commission issued admit card as well list of sports person candidates wherein petitioner was shown at Sr. No. 113. The petitioner appeared in the exam and in the result declared

on 06.09.2018, the petitioner was shown in the list of General Category

candidates. The cut of marks for the General Category candidates are 291 whereas petitioner has secured 217 marks. The cut of marks in sports category are 125.

4. Counsel for the petitioner vehemently contended that once petitioner had applied as sports person, he cannot be considered under General Category especially when he has won 2nd position in Shooting in National Level Games conducted by School Games Federation of India and sports certificate is duly graded by the Sports Directorate, Punjab. The Commission demanded certificate which was supplied and accordingly admit card was issued. The State Government has framed policy for issuance of Sports Gradation Certificate for professional treatment to sports persons. As per Gradation Policy, the sportsmen/women who have participated and achieved 1st, 2nd or 3rd position is graded as Grade 'B' certificate and certificate of petitioner is 'B' grade because he won 2nd position in National School Games conducted by School Games Federation of India. The Punjab Government w.e.f. 12.05.2009 has included certificate of IPSC in the Gradation Policy for gradation of certificates of sports person who have won 1st, 2nd and 3rd position in the School Games conducted by School Games Federation of India. He further contended that respondent earlier issued an advertisement for 207 posts of Inspector Co-operative Societies. The petitioner applied under sports category and his merit was declared under sports category which vindicates stand of the petitioner that the petitioner is a sports person and Commission has accepted him under the sports category.

5. After having scrutinized record of the case and hearing arguments of counsel for the petitioner, this Court finds that present petition

is bereft of merits. As per advertisement, any candidate could apply under the category of sportsperson, he/she fulfills following conditions:

“ 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 Federation affiliated to the International Olympic Committee or by the International Olympic Committee itself.

The petitioner admittedly participated in 59th National School Games in Rifle Shooting, Boys under 19 held at Pune, Maharashtra and scored 2nd position. The games were organized by School Games Federation of India. The petitioner is resident of Punjab and was issued Gradation Certificate in Grade ‘B’. The petitioner was permitted to apply under Sports Category in the test of Inspector Co-operative Societies in the Department of Cooperation, Punjab.

6. The petitioner admittedly has neither won National Championship conducted by National Federation Affiliated to Indian

Olympic Association nor National Championship organized by Indian Olympic Association nor won 1st, 2nd or 3rd position or won Gold or Silver or Bronze Medal at International Sports Meet. The petitioner has scored 2nd position in Shooting Championship/Tournament organized by School Games Federation of India. Therefore, he is ineligible to be considered under the Sports Category and thus was rightly considered by the Commission in the General Category. It is prerogative of the Commission to fix different criteria for different posts. The fact that petitioner was allowed to participate in the exam of Inspectors under Sports Category does not mean that the petitioner is eligible to participate under Sports Category in other tests conducted by Commission. Different criteria may be fixed for different posts and it is in the realm of Exam Conducting Authority. The Court has no authority to direct any agency to fix criteria for General or Reserve Category candidates. Thus, contention of petitioner that he was admitted as sports person in the test of Inspectors, therefore, should also be considered as eligible under the Sports Category for the PCS (EB) and Allied Recruitment is misconceived, as he does not fulfill the eligibility criteria provided for the Sportsmen Category for recruitment to the PCS and Allied Examination.

In view of the aforesaid findings, this Court finds that present petition being bereft of merits, deserves to be dismissed and accordingly **dismissed.**

November 02, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>