

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8116 of 2018

Date of Decision: 03.04.2018

Anil

... Petitioner

Versus

Haryana Staff Selection Commission

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Dr. Surya Parkash, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

1. The original records of the case have been produced by Mr. Rathee. At the centre of the controversy is the original application submitted by the petitioner while applying for the post advertised. He applied under Outstanding Sports Person category. He did not produce a Sports Gradation Certificate as per Government instructions duly issued by the competent authority, for his case to be considered in the category of OSP (Gen). For these reasons, the candidature of the petitioner has rightly been rejected by the Commission. The Commission committed no error in not relying on the petitioner's Certificate of Achievement in the "40th Haryana State School Level Sports Programs, Sonipat 2005-06". At the Sports meet, the petitioner had participated in the Boxing event. He did not win any distinction in the event. He does not qualify as an OSP. The Certificate of Achievement at school level is placed at Annex P-5.

2. Dr. Surya Parkash, appearing for the petitioner, argues that even if the petitioner cannot be considered under OSP (Gen) category because of ineligibility his case should have been considered in the general category. He submits that the cut off marks in the General category is 160 and the petitioner secured 166 marks in the written examination which would entitle him to interview.

3. The petitioner having applied in the OSP (Gen) category and having taking his chances will not be permitted to change track in horizontal reservation. This privilege is only given to the members of the Scheduled Castes who have first to be considered in the General category and then in their own reserve category. This is a result of vertical reservation. Reservation in direct recruitment in State services meant for Outstanding Sports Persons are controlled and governed by law in Article 15 of the Constitution.

4. The petitioner cannot be permitted to change track in view of the Supreme Court decision in Public Service Commission, Uttranchal v. Mamta Bisht, 2010 (1) SCR 289. It therefore makes hardly any difference in the case of the petitioner whether the essential qualifications for the post of Agriculture Inspector (Soil Conservation) would admit in the competition both candidates with 10+2 with Science or Diploma in Agriculture Engineering from a recognized Institution. The petitioner admittedly does not hold the diploma of Agriculture Engineering and is only in possession of 10+2 with Science. Even if the Commission is interviewing candidates with 10+2 educational qualification, the petitioner cannot overcome the first insuperable hurdle.

- 5. The petition is devoid of merit and stands dismissed.
- 6. The original record is returned to Mr. Rathee.

03.04.2018
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned Yes

Whether reportable No