

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

LPA No.1842 of 2016 (O&M)

Date of Decision: 12.09.2018

Jugraj Singh

...Appellant

VS.

State of Punjab & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. RK Arora, Advocate for the appellant
Mr. Sandeep Vermani, Addl. AG Punjab

SURYA KANT J. (Oral)

(1) This Intra Court Appeal has laid challenge to the order dated 02.06.2016 whereby learned Single Judge dismissed the appellant's writ petition *in limine* on the ground that having participated in the selection process, he cannot be permitted to challenge the "terms of the advertisement itself".

(2) The facts are broadly not in dispute.

(3) The appellant is a sportsperson with 'C' Grade Sports Gradation Certificate issued by the Director, Sports. He was a candidate for the post of Lecturer (History). Out of 90 advertised posts, one post was kept reserved for Sports Category (General) and one was reserved for Scheduled Caste (Sports). It so happened that in the final selection, the 4th respondent came at No.1 and the appellant stood at No.2. The fourth respondent thus got appointment. The appellant then represented that 3% reservation is provided for Sportsperson under the Punjab Recruitment of Sportsmen Rules, 1988, hence 3 out of 90 posts ought to have been reserved for sportspersons. This claim has been turned down by learned Single Judge on the ground that it amounts to challenging the terms and conditions of the advertisement itself.

(4) It appears that the issue involved in the instant case is slightly different. If the appellant would have been at No.1 in order of merit amongst the sportspersons, he would have had no cause of action to seek 3% reservation for the sportspersons. Similarly, if he was far below in the merit list in that category, he would have no *locus standi* to claim 3% reservation. It was only when he was placed at No.2 in the General category that a cause of action arose in his favour to seek reservation of one more post for sportsperson keeping in view the mandate contained in the 1988 Rules.

(5) We are thus of the view that the claim of the appellant need not have been rejected *in limine* as it requires determination on merits whether or not one more post was required to be reserved for sportspersons?

(6) For the reasons afore-stated but without expressing any views on merits, the appeal is allowed and the order under appeal dated 02.06.2016 is set aside and the matter is remitted to learned Single Judge to decide the same afresh on merits. The official respondents may file their written statement before the learned Single Judge.

(7) However, we do not find any justification behind questioning the selection and appointment of respondent No.4 (Lakhveer Kaur) hence no notice need to be issued to her by learned Single Judge.

(8) Parties are directed to appear before learned Single Judge on 25.09.2018.

(Surya Kant)
Judge

12.09.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No