

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

LPA-1117-2019 (O&M)

Date of decision:- 28.05.2019

Surinder Singh

...Appellant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Pawan Kumar Mutneja, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

This intra court appeal under clause X of the Letters Patent is directed against the judgement and order dated 01.05.2019 passed by the learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein) seeking a direction to be appointed on the post of Multi Purpose Health Worker under the Schedule Caste Category.

2. Learned Single Judge finding that the appellant had applied under the Sports Category as he was a Kho Kho player and not under the Scheduled Caste Category and as such after the selection process cannot be allowed to change his category dismissed the writ petition.

3. Learned counsel for the appellant vehemently contended that he applied under the Scheduled Caste (Sports) Category which fact is not being disputed by the respondents and is admitted in paragraph 7 of the written statement. Even we accept the fact to be correct that the appellant made an application under the Scheduled Caste (Sports) Category and since Kho Kho is not a recognized sports and the selection

process is over he cannot be permitted to change his category from Scheduled Caste (Sports) to Scheduled Caste Category. We find no infirmity in the view taken by the learned Single Judge in rejecting the claim of the appellant for change of category from Scheduled Caste (Sports) to Scheduled Caste Category, inasmuch as the government instructions also provide that in case the candidates of Scheduled Caste (Sports) are not available then the remaining quota can be filled from the candidates of Scheduled Caste Category. Since the candidates of Scheduled Caste Category are already in excess, as such, the appellant cannot be permitted to change his category and be considered in the Scheduled Caste Category, particularly, when he had not applied for the post under the Scheduled Caste Category.

4. In view of the above, there is no infirmity in the judgement of the learned Single Judge, which may require our interference.

5. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

28.05.2019
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No