

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

(1) **CWP No. 7373 of 2013 (O&M)**
Date of Decision: 25.01.2019.

Amrinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

(2) **CWP No. 14364 of 2013 (O&M)**

Joban Preet Dhanju

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : **Hon'ble Mr. Justice Jitendra Chauhan**

Present: Ms. Maninder, Advocate,
for the petitioner(s) in both the petitions.

Mr. Navdeep Chhabra, DAG, Punjab.

Mr. R.K. Arora, Advocate,
for respondent No.3 in CWP-7373-2013.

Mr. Deepak Goyal, Advocate,
for respondent No.4 in CWP-7373-2013.

Mr. Tarunveer Vashisth, Advocate
for respondent No.3. In CWP-14364-2013.

JITENDRA CHAUHAN.J.

This judgment shall dispose of aforementioned two civil writ petitions as common questions of facts and law are involved therein.

The facts are being taken from C.W.P. No. 7373 of 2013. The petitioner has sought quashing of order dated 07.05.2012 (Annexure P-13) vide which claim of the petitioner for appointment as

Art and Craft Teacher in Sports Category was rejected.

Vide advertisement dated 23.09.2009 (Annexure P-7), a public notice inviting applications for recruitment of 7654 teachers including 350 posts of Art and Craft Teachers was issued in different newspapers. The petitioner possessed 'C' Grade Sports Gradation Certificate dated 24.01.2005 on account of obtaining second position in the 49th Inter District Schools Sports and he applied for his selection in sports category.

It is contended that the petitioner was placed at serial No.1 in the provisional merit list having secured 60.3505 marks whereas, respondent Nos. 3 & 4 were shown at merit No.11 & 14 with 47.1703 and 39.684 marks respectively. Final merit list was issued for sports category in which the name of the petitioner did not figure whereas, respondent Nos. 3 & 4 have been selected.

The petitioner filed CWP No.15515 of 2011 for direction to respondents to consider his case for appointment as Art and Craft Teacher in the sports category as per merit. The said petition was disposed of on 24.08.2011 (Annexure P-12) with direction to respondent No.2 to treat the writ petition as representation and to dispose of the claim of the petitioner by passing a speaking order. Vide impugned order dated 07.05.2012 (Annexure P-13), the claim of the petitioner has been rejected on the ground that the final merit list of Art and Craft Teachers under Sports category has been determined by the Sports Department on the basis of achievements in the field of

sports instead of Academic Merit and all seven posts in the sports category have been filled up. The name of the petitioner stands at serial No.14 in the final merit list.

The respondent Nos. 1 & 2 filed joint reply. It has been contended by the learned State counsel that the recruitment to the posts meant for sports category are governed by the Punjab Recruitment of Sportsmen Rules, 1988. As per Rule 2(d)(b)(ii), in case of recruitment to a reserved vacancy in Class-III post, only those candidates are eligible who have won first, second or third position in team or individual events while representing the State of Punjab in State Level Championship in any of the discipline affiliated to the Punjab Olympic Association organized by the State level Federation. The certificate possessed by the petitioner is on account of second position obtained in the Inter District School Sports. Hence, he is not eligible for appointment.

Heard.

It is not in dispute that the Gradation Certificate of the petitioner is on account of his achievement in the District Level Sports event and the selected candidates are having sports achievements better than the petitioner. As per rule 2(d)(b)(ii) of the Punjab Recruitment of Sportsmen Rules, 1988, only those candidates are eligible who have won first, second or third position in team or individual events while representing the State of Punjab in State Level Championship and as per Clause 4(vi) of the the Gradation

Policy dated 10.12.1997, the post under the Sports quota is given purely on the basis of sports achievements mentioned in Sports Gradation Certificate. The merit list has been prepared on the basis of the above rules and gradation policy. There is no fault at all. Hence, the claim of the petitioner has been rightly rejected.

In view of above, there is no merit in the present petitions and the same are hereby dismissed.

A photocopy of this order be placed in the file of other connected case(s).

25.01.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

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