

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.10029 of 2021
Date of decision: 26.05.2021

Devinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Manu K. Bhandari, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the grievance, which is being raised by the petitioner is that the State of Punjab has issued an advertisement for conducting Punjab State Civil Services Combined Competitive Examination in June, 2020. Learned counsel for the petitioner submits that in the said advertisement, no post was reserved for the Sports Person (General Category) and, hence, as the petitioner was eligible under the Category No.71 (General Category), he applied under the same for competing for the post advertised.

Learned counsel for the petitioner further submits that realizing the mistake that no post was reserved for Sports Person (General Category) in the previous advertisement, a fresh advertisement was issued by the State of Punjab in December, 2020 for conducting Punjab State Civil Services

Combined Competitive Examination wherein, post for Sports Person (General Category) was also reserved under Category No.75. Learned counsel for the petitioner states that the petitioner tried to fill a fresh form for applying against the post reserved under Category No.75 (Sports Person General Category) but, the online form tried to be submitted by the petitioner was not accepted by the website on the ground that there is already an application form submitted by the petitioner in pursuance to the advertisement issued in June, 2020 under category No.71 (General Category) and as per the clause mentioned in advertisement issued in December, 2020, no fresh application is required to be submitted. Learned counsel for the petitioner asserts that the petitioner met the respondents that instead of category No.71, he intends to compete in Category No.75 (Sports Person General Category). The petitioner was assured by the respondents that his request will be accepted. Learned counsel for the petitioner submits that when the result of the examination was declared, a copy of which has been appended by the petitioner with the present petition as Annexure P/9, the case of the petitioner has only been considered under Category No.71 i.e. General Category and not under Category No. 75 (Sports Person General Category) and candidate having lesser merit has been shown in the result under Category No.75. Learned counsel for the petitioner further submits that the said action of the respondents is bad in law and the petitioner was entitled for consideration of his candidature under the Category No.75 (Sports Person General Category) instead of Category No.71.

Learned counsel for the petitioner further submits that for the relief, which is being claimed in the present writ petition, the petitioner has

already served the respondents with a legal notice dated 05.04.2021 (Annexure P/12), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.2 to decide the said legal notice by passing an appropriate speaking order.

Notice of motion.

Ms. Sunint Kaur, AAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of State of Punjab and raises no objection in case, a direction is issued to the respondent No.2 to decide the legal notice dated 05.04.2021 (Annexure P/12) served by the petitioner in a time bound manner by passing an appropriate speaking order.

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No.2 is directed to decide legal notice dated 05.04.2021 (Annexure P/12), submitted by the petitioner by passing a speaking order within a period of four weeks from the date of receipt of a copy of this order.

Present writ petition stands disposed of.

May 26, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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