

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

Sr. No.206

**CWP No.14599 of 2016 (O&M)
DATE OF DECISION: January 13, 2021**

KULDIP SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Dhirender Chopra, Advocate,
for the petitioner.

Mr. A.P.S. Gill, AAG, Punjab.

Mr. R.K. Arora, Advocate,
for respondents No.5 & 6.

SUDHIR MITTAL, J. (ORAL)

CM-7487-2020

This application has been filed for placing on record replications to the written statements filed by respondents No.1 to 4 as well as respondents No.5 & 6.

Notice of motion.

Mr. A.P.S. Gill, AAG, Punjab accepts notice on behalf of respondents No.1 to 4 and Mr. R.K. Arora, Advocate accepts notice on behalf of respondents No.5 & 6 and they have no objection in case the application is allowed.

The application is allowed and replications are taken on record.

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CWP-14599 of 2016 (O&M)

Advertisement dated 20.11.2015 was issued by the O/o respondent No.3 inviting applications for 150 posts of Lecturer Political Science. Out of the said posts, three posts were reserved for Sportsmen. The petitioner applied in the category of Sportsmen but was not included in the list of selected candidates dated 18.07.2016 whereunder only two out of the said three posts were filled. Respondents No.5 & 6 were appointed.

In the present writ petition, the appointments of respondents No.5 & 6 have been challenged on the ground that the petitioner had secured higher marks in the written test than the said persons.

In reply, the State of Punjab as well as private respondents stated that the fact that the petitioner secured higher marks than the private respondents No.5 & 6 is not disputed, however, the petitioner's candidature was rejected as he was ineligible to apply in the Sports category in accordance with The Punjab Recruitment of Sportsmen Rules, 1988. It was further averred that vide order dated 23.05.2016, the Department of Sports had declared the petitioner ineligible.

In view of the aforementioned written statements, the ground raised in the writ petition that the petitioner was higher in merit than the private respondents No.5 & 6 became non-existent. The petitioner thus, should have either amended the writ petition or should have withdrawn the same to file a fresh one challenging the selection on fresh grounds. He also needed to challenge order dated 23.05.2016 issued by the Sports Department declaring the petitioner ineligible.

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However, the same has not been done. Instead, the grounds taken in the written statements have been sought to be controverted through a replication. This is not permissible in law.

Faced with this situation, learned counsel for the petitioner wants to withdraw this writ petition with liberty to file a fresh one.

Dismissed as withdrawn. The petitioner may file a fresh writ petition, however subject to the rule governing delay and latches. Stay order dated 25.07.2016 stands vacated.

January 13, 2021

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No