

232 (5th case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-171-2020 (O&M)

Date of decision: 08.12.2022

Parveen Kumar

...Petitioner

VS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Shivam Malik, Advocate for
Mrs.Santosh Malik, Advocate,
For the petitioner(s).

Mr. R.K.S.Brar, Additional A.G., Haryana.

Mr. Kanwal Goyal, Advocate,
For the respondent-HPSC.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari for quashing impugned order dated 25.12.2019(Annexure P-13) passed by respondent No.4 vide which the candidature of the petitioner for the post of Assistant Professor (History) under ESP General Category, was rejected. Further prayer has been made for issuance of a writ in the nature of mandamus directing respondent No.4 to consider the petitioner eligible for the post of Assistant Professor History in ESP category as per his B-1 Gradation Certificate dated 16.07.2012 (Annexure P-5) issued by respondent No.5 under the old sports policy dated 30.11.1993 (Annexure P-3).

The grievance of the petitioner is twofold;

- a) The petitioner is an aspirant for the post of Assistant Professor History is that despite he being outstanding sports person, benefit has not been accorded to him qua his sports achievements in baseball in which he had participated.
- b) Petitioner had played Baseball on behalf of Maharishi dayanand University, Rohtak in All

India Inter University Tournament in February 2010 and remained winner at 2nd position. He has been issued Grade-B-I Gradation Certificate dated 16.07.2012 (Annexure P-5), as per policy dated 30.11.1993 (Annexure P-3), which was prevalent at that time. Without taking into consideration policy (Annexure P-3), vide impugned order dated 25.12.2019 (Annexure P-13), candidature of the petitioner for the post of Assistant Professor (history) under ESP General Category was rejected on the ground that he is not having ESP certificate according to Instructions/Policy dated 25.05.2018 and 15.11.2018 (Annexures P-11 and P-12).

2. The first grievance of the petitioner has already been dealt with by detailed order of even date passed in CWP No.9663-2019 titled “***Umesh Joon Vs. State of Haryana and others***” and connected petitions.

3. As regards his second grievance, concededly, the new sports policy (Annexure P-11) was very much to the knowledge of the petitioner at the time of advertisement. However, that policy has not been challenged. In any case, it has been brought to my notice that said policy was challenged before this Court and a Division Bench Judgment was rendered in LPA No.1332-2019 titled “***State of Haryana and Another Vs. Shankar and others***” wherein speaking for the Bench, Meenakshi I. Mehta, J. opined as below:

“19. However, we do not find the contention of learned counsel for the writ petitioners to be tenable because it is the prerogative of the employer to settle the criteria for the jobs under a particular category so as to get the best employees to serve. Further, the old instructions only provided the parameters/guidelines to be kept in view by the competent authorities while issuing the Sports Gradation Certificates for the purpose of ascertaining the eligibility of the candidates to apply for the seats reserved for the outstanding players in Technical/Medical Institutions and the State Govt. jobs and there is nothing in the same to suggest that such certificates were

meant for vesting any right in the sports persons to get selected for the Government jobs under the Sports Quota.”

4. I see no reason as to how the petitioner can stake his claim on the basis of an old policy, when as on the date of advertisement new policy was applicable and in any case the same has already been upheld by this Court.

Dismissed.

(ARUN MONGA)
JUDGE

December 08, 2022
Vandana

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