

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201

CWP-17839-2020

DATE OF DECISION: 19.09.2022

LOVEPREET KAUR

... Petitioner(s)

Versus

STATE OF PUNJAB AND ORS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rajvinder Singh Bains, Senior Advocate with
Mr. Amar Jeet, Advocate for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking a direction to the respondents to issue her the appointment letter as she has cleared all the stages of the recruitment.

Learned Senior counsel for the petitioner submits that the petitioner had applied for the post of Staff Nurse in SC (Sports) category. The respondents had issued an advertisement indicating the posts under various categories on 27.02.2020 (Annexure P-1). The scheduled caste category was sub-divided in SC-1 and SC-2 categories but it had not been mentioned as to which are the castes which would be covered under these categories.

The petitioner had wrongly applied under SC-1 category and later in response to the public notice dated 02.07.2020 had clarified that she had applied under SC-2 R&O (Sports) category. The petitioner was found to be meritorious and was placed in the merit list, however, she was not offered an appointment letter.

Learned counsel for the respondents while referring to the reply filed by the respondents, submits that the case of the petitioner could not be

considered for selection under Sports category as not only had she changed the category from SC-1 to SC-2 but she had sought appointment under SC-2 (Sports) category. She had not made a claim for consideration under the Sports category earlier.

Heard.

The respondents had thereafter issued a public notice on 02.07.2020 (Annexure P-4) wherein it was clarified that SC-1 would comprise M & B castes and SC-2 would comprise R&O castes. The public notice pertained to all SC categories and the relevant extract of the public notice is reproduced as under:-

“This notice pertains to SC-M&B, SC-R&O, SC-M&B(ESM), SCR& O(ESM), SC-M&B(Sports) and SC-R&O(Sports) category(ies) only.”

The petitioner is stated to be a Sports person having participated in the various District Level tournaments in ‘Hockey’ and has been awarded Grade ‘D’ certificate by the Director Sports, Punjab. She is meritorious in SC-2 Sports category. Her appointment letter had been withheld only because of objection raised by respondent No.2 that she had not sought selection under the Sports category earlier. The respondents had allowed to make requisite changes in the category vide Annexure P-4, therefore, it cannot adopt a hyper technical approach that the change in seeking appointment under the Sports category could not have been permitted. Once the respondents have permitted

the change of main category, the same would also apply to the sub category.
The petitioner is a meritorious candidate in SC-2 (Sports) category.

Consequently, the petition is allowed and the impugned order (Annexure P-10) is set aside. She would be offered appointment as Staff Nurse. She would also be entitled to the notional benefits w.e.f the date other similarly situated candidates have been appointed.

Pending civil miscellaneous application, if any, also stands disposed of.

19.09.2022
SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:

Yes / No
Yes / No