

234

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24043-2022
Date of decision: 16.12.2022

SUKHJEET SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mansur Ali, Advocate
for the petitioner.

Mr. Rishabh Gupta, Advocate
for the respondents No.1 to 3.

None for respondent No.4.

JAISHREE THAKUR, J. (Oral)

1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing Clause I (ii) (iv) of the Circular/Communication dated 06.10.2022 (Annexure P-11) and further for issuance of a writ in the nature of mandamus directing the official respondents for staying the operation of the said Clause and to stay the recruitment process initiated pursuant to the aforesaid Circular/Communication, for the post of Sports Officer.

2. Learned counsel for the petitioner would contend that the petitioner is working as Foreman in the pay scale of JE-I with respondent No.2.-PSPCL. He was appointed as Lineman under the Sports Category vide appointment letter issued on 31.01.1997. The petitioner has done Diploma from Sports

Authority of India, Netaji Subhas National Institute of Sports, Patiala and has participated in several National Games, certificates of which are appended with the writ petition. Being a Cyclist, he has participated at Championships held in Chennai and other places. The respondent-Corporation sought to appoint Sports Officer and, therefore, issued a Circular Annexure P-11 to fill up two posts, one of the Sports Officer, for which the petitioner was interested and the other of Junior Sports Officer. In terms of the said Circular, the educational/technical qualifications for the post of Sports Officer and Junior Sports Officer are as under:-

I. Sports Officer - 10900-34800 (Grade Pay 4450/-)

- i. B.A (or Graduation in any other stream as per PSPCL instructions) having passed Punjabi upto Matric Level.*
- ii. NIS Athletics.*
- iii. Should have atleast 5 years' experience in Organizing games and sports.*
- iv. Must have been outstanding athlete having represented State at National Level.*
- v. Preference would be given to those candidates having sufficient knowledge of other games.*

II. Junior Sports Officer: 10900-34800 (Grade Pay 3700/-)

- i. Matric Higher Qualification will be preferred.*
- ii. Should have passed Punjabi upto Matric Level.*
- iii. Must be an outstanding sportsman in the field of games or athletics with minimum standard of State Level or Inter-University Level. The main criteria will be proficiency in sports.*

3. Learned counsel for the petitioner would challenge the said Clause, which specified that the candidate applying should have a certificate of NIS in Athletics considering the fact that no such specification of Athletics was there

in the qualification as required under Junior Sports Officer. It is argued that said qualification was introduced only to accommodate respondent No.4 and a Coordinate Bench of this Court while issuing notice of motion in this matter on 19.10.2022 took note of the contentions as raised, which are recapitulated below:-

“The petitioner, who has appeared in person, submits that the PSPCL had issued an advertisement for filling up the post of Sports Officer on 06.10.2022. One of the essential qualifications, which has been prescribed, is that the candidates should have qualified NIS in Athletics. He, however, submits that the post of Sports Officer is to be filled out of the employees already working in the PSPCL in the Sports quota and by having the essential qualification of NIS Athletics, the field is being restricted and respondent No.4 is the only person who would be eligible. The Senior Sports Officer is from the discipline of Athletics. The petitioner is a national-level cyclist, having obtained national games gold medal in the year 2001. The petitioner has also participated in the Asian Championship. He is working as a Foreman in the PSPCL and is better qualified than respondent No.4 who has not obtained any medal in the national games.

Issue notice to the respondents.

Respondent No.4, who is present in Court, submits that he has also received a national gold medal in the discipline of tug of war in the senior national games besides gold medal in the junior nationals.

List on 10.11.2022.

The petitioner would be permitted to apply for the post at his own risk and responsibility. This will not create any equity in his favour. The respondents shall issue a corrigendum and the other sports persons, who have been recruited in the PSPCL on the basis of sports, would also be

permitted to apply for the post and they would also be informed about the order of this Court. The respondents shall also extend the last date by another week. The respondents may go ahead with the selection but the final result will not be declared without the permission of this Court.”

4. Pursuant to the orders having been passed, the candidates of all the disciplines were permitted to participate in the selection process and the result has been produced in Court today in a sealed cover by learned counsel for the official respondents. The result as produced has been opened and the perusal of the same would reflect that the petitioner has not qualified.

5. Since the limited prayer made in the writ petition to challenge the qualification of permitting only persons who had a certificate of NIS in Athletics does not survive at the present moment, in view of order dated 19.10.2022, the instant writ petition is disposed of giving liberty to the petitioner to challenge the selection, if so aggrieved.

6. Needless to say, since the writ petition is disposed of, let the result be declared and posted on the website of respondent No.2-PSPCL. The result record produced in Court is re-sealed and returned to Mr. Rishabh Gupta, Advocate for the official respondents for compliance of the direction being given.

16.12.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No