

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

LPA-915-2022

Date of decision : 16.03.2023

Harinder Pal Singh Sandhu

.....Appellant

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. K.S. Sidhu, Senior Advocate, with
Mr. Praagbir S. Dhindsa, Advocate, for the appellant.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This appeal has been filed by the appellant being aggrieved by an order and judgment dated 14.09.2022 passed by the learned Single Bench, dismissing the writ petition (CWP No. 927 of 2017) filed by the appellant.

The brief facts, leading to the filing of the writ petition, are that pursuant to the notification dated 05.07.2016 (P-10) and the advertisement (P-11), the appellant applied for appointment to the post of Deputy Superintendent of Police in the sports quota. He was short-listed and was shown at serial No.8 of the select list. However, in the ultimate, he was not selected by the respondent – authorities and the reason thereof, as told to the appellant, was that he had not represented the State of Punjab at National level in Squash, in which field he got first position in the 17th Asian Games, 2014 held at Incheon, secured first position in the 4th Asian Beach Games, 2014 held at Phuket, Thailand. The appellant also participated both in the Men's Individual event and team events at the 12th South Asian Games, 2016 held at Guwahati. He won a bronze

medal in the Men's individual event and was a member of the Gold medal winning Men's team.

Learned Senior counsel for the appellant submits that the appellant had not only participated in Squash in the National and International events, but was also honoured by the State of Punjab by awarding him cash prize for winning a Gold medal. He further submits that the appellant is also a permanent resident of the State of Punjab, in spite of which he was not given appointment by the respondent – authorities only on the ground that he had not represented the State of Punjab at National level in the sports.

The appellant being aggrieved by the denial of appointment had filed writ petition, wherein he had also challenged clause No.9 of the notification dated 05.07.2016 (P-10) and clause No.8 of the advertisement (P-11), which clearly stipulated that benefit in the sports quota would be given to those candidates, who are residents of Punjab and had represented Punjab at National level in the sports.

Having heard learned Senior counsel for the appellant, it is observed that the learned Single Bench has taken all the aspects into consideration and held that the very object and purpose of including clause No.9 in the notification and clause No.8 in the advertisement was to promote sports within the State of Punjab and to give benefit to the outstanding sportspersons. We are of the considered opinion that no fault can be found with the said reasoning given by the learned Single Bench. Evidently, the very object and purpose of inserting the said clause(s) was to encourage the youth of the State of Punjab to participate in sports at the National level and represent the State while doing so. The object is

laudable and is also in furtherance of the purpose to be achieved. In these circumstances, we are in absolute agreement with the impugned order and judgment rejecting the appellant’s challenge to clause 9 of the notification (P-10) and clause 8 of the advertisement (P-11).

As far as rejection of the appellant’s candidature is concerned, as the appellant had not represented the State of Punjab at National level in the sports, which is an admitted and undisputed fact, he was not eligible for being considered for appointment under the sports quota and the authorities, therefore, rightly rejected his candidature. It is also evident that though the appellant was aware of inclusion of the aforesaid clause(s) in the notification and the advertisement, he chose to participate in the selection process without challenging the same and while acceding to it by his conduct of participation in the selection process. It is only after the rejection of his candidature that he filed the writ petition.

In view of the aforesaid facts and circumstances, we do not find any illegality or arbitrariness in the impugned order and judgment dated 14.09.2022 passed by the learned Single Judge, warranting interference by this Court.

Appeal being bereft of merit is dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

March 16, 2023
ndj

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