

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 561 of 2023

Date of Decision: 12.01.2023

Balwant Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. R.C.Sharma, Advocate
for the petitioner(s).

Mr. Charanpreet Singh, Assistant Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The petitioner prays for issuance of the writ in the nature of certiorari to quash the provisional select list because the petitioner's name is missing from the said list.

2. Pursuant to the recruitment notice dated 19.08.2021, and a supplementary notice certain posts of Central Head Teachers and Head Teachers were advertised by the concerned department. The petitioner applied for the post of Head Teacher under the Scheduled Caste (Majhbi and Balmiki) – Sports Category. The petitioner claims the right of consideration on the basis of a certificate of C-Grade i.e. participation at the District Level Tournament.

3. The learned counsel representing the petitioner claims that the petitioner has been declared ineligible as his name is not included in the

4. Mr. Charanpreet Singh, Assistant Advocate General, Punjab, submits that the respondent has taken a conscious decision to appoint the candidates who have won a medal in the District Level Tournament and not the participants. He, in support thereof, relies upon Rule 2(d) the Punjab Recruitment of Sportsmen Rules, 1998, which defines the word "Sportsman". The same is extracted as under:-

"(d) "Sportsman" means a person of either sex who fulfils the following conditions, namely:-

(a) In the case of recruitment to a reserved vacancy in Class I or Class II posts:-

(i) that he belongs to the State of Punjab; and

(ii) that he has won national championship in team or individual events while representing the State of Punjab in such sports events as have been conducted by such respective national federations as are affiliated to the Indian Olympic Association;

Or

(i) that he has won national championship in team of individual events which are organized by the Indian Olympic Association;

Or

(ii) that he has won first, second or third position in team or individual events and or he has won Gold or Silver or Bronze Medals at International Sports meets, conducted by International Federations affiliated to the International Olympic Committee or by the International Olympic Committee itself.

(b) In the case of recruitment to reserved vacancy in Class III posts:-

(i) that he belongs to the State of Punjab: and

(ii) *that he has won first, second or third position in team or individual events while representing the State of Punjab in a State Level Championship in any of the discipline affiliated to the Punjab Olympic Association organized by the State Level Federation.*

(c) *In the case of recruitment to a reserved vacancy in Class-IV post:-*

(i) *that he belongs to the State of Punjab: and*

(ii) *that he has attained the first, second and third position in a District Level Association affiliated to the State Level Association in the respective discipline.”*

5. Once the employer has taken a conscious decision not to appoint the candidates who have merely participated in the District Level Tournament, the writ, as prayed for by the petitioner, cannot be issued.

6. Keeping in view the aforesaid facts, no ground is made out to issue a writ. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

January 12, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No