

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

LPA-134-2023 (O&M)

Date of decision: 10.01.2024

State of Punjab and another

...Appellants

Vs.

Lovepreet Kaur and another

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

**Present: Ms. Lavanya Paul, DAG, Punjab,
for the appellants.**

**Mr. R.S. Bains, Senior Advocate,
with Mr. Aman Raj Bawa, Advocate,
for respondent No.1.**

**Mr. Sahil Kumar, Advocate,
for Mr. Nitin Kaushal, Advocate,
for respondent No.2.**

Ritu Bahri, Acting Chief Justice

CM-399-LPA-2023

1. For the reasons mentioned in the application, same is allowed and delay of 79 days in filing of the appeal is condoned.

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2. The instant appeal, under Clause X of the Letters Patent Appeal, is against the judgment dated 19.09.2022 passed by the learned Single Bench of this Court, whereby petition (CWP-17839-2020) filed by petitioner-respondent No.1 seeking appointment to the post of Staff Nurse has been allowed.

3. The petitioner-respondent No.1 was claiming appointment to

the post of Staff Nurse in SC (Sports) category. A perusal of the impugned judgment shows that as per the public notice dated 02.07.2020 (Annexure P-4), it was clarified that SC-1 would comprise M&B castes and SC-2 would comprise R&O castes. The petitioner-respondent No.1 belongs to R&O caste and in this category, there were 30 posts, out of which, one was reserved for sports person. As per the judgment passed by the learned Single Judge, the petitioner (respondent No.1) has been awarded Grade 'D' certificate by the Director Sports, Punjab upon participating in various District Level tournaments in Hockey. The only ground, on the basis of which, her appointment was being denied by the respondents (appellants herein) was that she cannot seek benefit under the Sports Category after making changes in category vide Annexure P-4.

4. Vide public notice dated 02.07.2020 (Annexure P-4), the appellants had itself clarified that SC-1 would comprise M&B castes and SC-2 would comprise R&O castes. Upon issuance of the said clarification, all the candidates could make corrections. The petitioner-respondent No.1 could not be denied the benefit of appointment under R&O category on the ground that she has got Grade 'D' certificate.

5. It is not the case of the appellants that any other candidate belonging to R&O under the sports category is available with them. Vide impugned judgment, the petitioner-respondent No.1 being the only meritorious candidate has been rightly allowed to be appointed as Staff Nurse.

6. Learned counsel for the appellant has argued that Grade 'D' certificate cannot be made basis to grant her the benefit of appointment.

7. The petitioner-respondent No.1 was the only candidate

available in the sports category and her writ petition has been rightly allowed by the learned Single Judge of this Court. After going through the contents of appeal as well as the impugned judgment, this Court is of the view that the appellant-State has been rightly directed to offer appointment to the petitioner-respondent No.1 as Staff Nurse. Hence, no ground is made out to interfere in the well reasoned judgment passed by learned Single Judge.

8. Resultantly, finding no merits, present appeal stands dismissed. The appellants are directed to appoint respondent No.1 as Staff Nurse within a period of two weeks and thereafter, inform this Court. Since the main appeal has been dismissed, all the pending applications stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

10.01.2024
ajp

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