



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110+118

LPA-153-2024 (O&M)
Date of Decision: 17.03.2025

Simranpreet Kaur

....Appellant

Versus

State of Punjab and others

....Respondents

2.	LPA-155-2024 (O&M)	NAVANJOT SINGH V/S STATE OF PUNJAB AND OTHERS
3.	LPA-1377-2024 (O&M)	STATE OF PUNJAB AND OTHERS V/S DEEPSHIKHA GARG
4.	LPA-1337-2024 (O&M)	STATE OF PUNJAB AND OTHERS V/S SIMRANPREET KAUR
5.	LPA-1348-2024 (O&M)	STATE OF PUNJAB AND OTHERS V/S RUPAMBIR SINGH & OTHERS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. D.S.Patwalia, Senior Advocate with
Ms. Rishu Bajaj, Advocate
for the appellant(s) in LPAs No.153 and 155 of 2024.

Mr. Gagneshwar Walia, Additional Advocate General, Punjab
for the appellant(s) in LPAs No.1337, 1348 and 1377 of 2024 and
for the respondent(s) in LPAs No.153 and 155 of 2024.

Sureshwar Thakur, J. (Oral)

1. The present appellant(s) become aggrieved from the common judgment dated 22.12.2023 passed by the learned Single Bench of this Court, upon Civil Writ Petition No.2741 of 2021; Civil Writ Petition No.25703 of 2021 and Civil Writ Petition No.26048 of 2021. The backdrop of the litigation is embodied in the subject advertisement (Annexure P-12), the relevant portion of the said subject advertisement is extracted hereinafter:-



“GENERAL INFORMATION

Punjab State Civil Services Combined Competitive Examination-2020

1. Introduction

1.1 *The Punjab Public Service Commission (PPSC) has been established under Article 315 of the Constitution of India, with the basic purpose of recruiting officials in various departments of the Government as per the requisitions sent by the Government in this regard from time to time.*

1.2 *The Punjab State Civil Services Combined Competition Examination-2020 (PSCSCCE-2020) is being conducted by the PPSC for recruitment of officers as Punjab Civil Service (Executive Branch), Deputy Superintendent of Police, Tehsildar, Food Supply and Consumer Affairs Officer, Block Development and Panchayat Officers, Assistant Registrar Co-Operative Societies, Labour and Conciliation Officer, Employment Generation and Training Officer and Deputy Superintendent of Jails (Grade-II)/District Probation Officer (Jails). After completion of the examination process, the Commission shall send a list of the successful candidates to the Government. This Advertisement is being published as per the requisition received from the Government of Punjab, Dept. of Personnel vide letter No.10/35/18-6PP3/P-1/1202 dated 08/12/2020. (Appendix-V)*

1.3 ***The Preliminary Combined Competitive Examination-2020 is tentatively scheduled for February, 2021. Exact date for the Preliminary examination shall be intimated later on.***



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2. **Vacancies**

2.1 *The number of vacancies to be filled on the basis of PSCSCCE-2020 is given in the table below: X X X*

Note 1: *The number of posts may be increased or decreased by the govt. at any time before the selection process is complete without given any prior notice to the candidates.*

Note 2: *The reservation of posts for women is as per the notification of department of Social Security, Women and Child Development dated 21/7/2020, the Punjab Civil Service (Reservation for Women) Rules, 2020 that provides for 33% reservation for Women. Notification is attached as APPENDIX-VI with General Information for Candidates.*

2.2 *The category wise detail of posts to be filled on the basis of Combined Competitive Examination, 2020 is as under:*

2.3

**Tentative Break up of Posts to be filled through
Punjab State Civil Services Combined Competitive Examination-2020**

CATEGORY	PCS (EB)	DSP	Tehsil dar	FS CAO	BDPO	AR Co-Op	LCO	E G & T O	DSJ/ DPO	Total
General (71)	06	07	-	-	-	-	01	02	-	16
General (Women)	02	03	-	-	-	-	-	01	-	06
ESM/LDESM (72/73)	02	02	02	-	-	-	-	02	01	09
ESM/LDESM (Women)	01	01	-	-	-	-	-	-	-	02
Sports Person, Pb (75)	-	-	-	-	01	-	-	-	01	02
Sports Person Pb, (Women)	-	-	-	-	-	01	-	-	-	01

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LPA-153-2024 and LPA-155-2024

2. The appellant(s) belong to the category of Sports Person (General). The subject advertisement invited applications from all concerned, for the advertised therein posts, becoming filled up through a combined competitive examination. The distribution and reservation of posts amongst the various categories was to be done pursuant to Annexure P-5, the relevant



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portion whereof becomes extracted hereinafter, the relevant point, which fell to the quota/category of the present appellants, is at point No.23, 41 and 100.

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- “1. Point No:- 1, 5, 9, 13, 17, 21, 25, 29, 33, 37, 41, 45, 49, 53, 57, 61, 65, 69, 73, 77, 81, 85, 89, 93, 97 (Total 25) are reserved for Scheduled Castes.
- 2. Point No:- 8, 16, 24, 35, 42, 48, 56, 64, 72, 80, 88 and 96 (Total 12 points are reserved for Backward Classes.
- 3. Point No:- 7, 14, 21, 28, 35, 44, 53, 60, 63, 73, 80, 83, 93 (Total 13) are reserved for Ex-serviceman.
- 4. Point No:- 11, 40 and 71 (Total 3) are reserved for Handicapped Persons.
- 5. Point No:- 23, 41 and 100 (Total 3) Points are reserved for Sportsman.
- 6. Point No:- 63 is reserved for Freedom Fighters.”

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3. A reading of the said point No.5, of the reservation roster, as specifically appertains to the present category, reveals that in a 100 point roster, 3 points were reserved for Sportsperson/General category. It is uncontroverted amongst the counsels, that the manner of employment of the said roster, specifically relating to the present appellants is the one, which has been detailed in the hereinafter extracted table:-

Sr. No.	Roster Point	Category of Roster	Actual category of candidate
1.	123	Sportsman (General)	Freedom Fighter (Consumed from Freedom Fighter Category and not from sportsman General category)
2.	141	Sportsman (Scheduled Caste)	Scheduled Caste (Consumed from Scheduled Casts Category and not from Sportsman (SC))



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3.	170	General	Consumed from Sportsman General Category.
4.	200	Sportsman (General)	General (Consumed from General and not from Sportsman general category)
5.	223	Sportsman (General)	General (Consumed from General and not from Sportsman)
6.	241	Sportsman (Scheduled Casts)	Schedule Caste (Consumed from Scheduled Caste not from Sportsman (SC))
7.	260	Ex-Serviceman	Consumed from Sportsman Category.
8.	300	Sportsman (General)	General (Consumed from General and not from Sportsman general category)
9.	323	Sportsman (General)	Sportsman (Consumed from Sportsman Category)
10.	341	Scheduled Caste (Sportsman)	Scheduled caste (Consumed from Scheduled Caste not from Sportsman (SC)) Advertised in the impugned advertisement.

4. The dispute, which also emerged amongst the contesting litigants before the learned Single Bench, further related to whether the said roster points thus, were efficaciously employed by the respondent concerned. The learned Single Judge, in paragraph 14 thereof, para whereof becomes extracted hereinafter, though made a firm conclusion, that there were four backlog posts available upto 2020, which were to be filled up from the Sportsmen category, i.e. two from Sportsmen General and two from Scheduled Caste Sportsmen. Moreover, it was further concluded, that yet the available number of posts/officers, *qua* in the PCS Executive category, thus belonging to the sportsmen category, rather is only two officers/posts. Furthermore, it was also concluded, that also in terms of the roster point No.341, the reservation/quota, which was to be created thereunders, i.e. *viz-a-*



viz Scheduled Caste Balmiki and Mazhabi Sikhs also remaining unfilled. Therefore, as stated supra, a conclusion was drawn that upto the year 2020, there were 4 backlog vacancies, out of which, two were to be filled amongst the unreserved category, and two were to be filled from amongst the reserved category supra.

“14. However, this Court finds that the backlog posts of Sportsman category, which could not be filled from the inception of the Rule 1988 till issuing of the advertisement No.14, have remained unfilled. Admittedly, as per the submissions of the learned senior counsel noticed hereinabove (supra) and as per the chart which has not been disputed, this Court is satisfied that there were four posts available as backlog upto 2020 to be filled from Sportsmen Category i.e. two from Sportsmen General and two from Scheduled Caste Sportsmen. The roster is a running roster, and therefore the submissions of the petitioners deserve to be accepted to the extent that as out of the total number of officers in PCS category only two officers are working against the Sportsmen category posts. As pointed out by learned counsel for the respondents, the present post following at roster point No.341 belonging to Scheduled Caste Balmiki and Mazhabi Sikhs also could not be filled from the sportsperson. In all, therefore, there are four posts which have remained unfilled from sportsmen category including two for general sportspersons and two for Scheduled Casts sportspersons. Out of the total cadre strength of 310 posts, 155 posts are meant for direct recruitment, out of which 3% are meant for sportsmen category.”

5. The grievance of the State of Punjab, is, that in absence of the drawing of a merit list relating to sports category (general) candidates, with respect to the post of PCS Executive, rather the Government is not in a

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position to offer appointments to supra, against the posts, which were not advertised. The merit list drawn, viz-a-viz the Punjab State Civil Services Combined Competition Examination-2020 (PSCSCCE-2020) qua all the posts supra, is only for the posts advertised under the therein detailed category(ies) and as the subject advertisement never invited applications against the post of PCS Executive, as fell, to the category of Sportsperson General. Therefore, if the apposite post(s), yet is/are instantly offered to the appellants, thereby, it would beget violation of Articles 14 and 16 of the Constitution of India, as it would cause injustice to other candidates, who could have applied for the same, if the said posts were specifically advertised in the year 2020.

6. The appellant(s) became aggrieved from the fact, that despite the appellant namely Simranpreet Kaur and Navanjot Singh, rather acquiring the relevant selectable notch in the merit list, as detailed in the hereinafter extracted table, whereupons both the appellants were to be offered appointment against the post of PCS Executive, yet the appellant Simranpreet Kaur being offered appointment against the post of Assistant Registrar, whereas, the appellant namely Navanjot Singh being offered an appointment letter against the post of BDO.

PUNJAB PUBLIC SERVICE COMMISSION							
Punjab State Civil Services Combined Competitive Examination-2020							
CATEGORY WISE MERIT LIST				18-Jun-21			
Sr. No. Roll No.	Name of Candidate	Category Code GENDER	Mains Exam Marks	Interview Marks	Grand Total	Percentage	Merit
Category Code 75		Category Name SPORTS PERSON, PUNJAB					
84 20845	SIMRANPREET KAUR	75 Female	643.50	96.45	739.95	49.33	1
85 20626	NAVANJOT SINGH	75 Male	627.50	94.69	722.19	48.15	2



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86 20908	DEEPSHIKHA GARG	75 <u>Female</u>	594.00	64.35	658.35	43.89	3
87 20219	ANKIT VIJ	75 <u>Male</u>	584.50	65.17	649.67	43.31	4
88 20575	KANWAR BHUWAN PRATAP SINGH	75 <u>Male</u>	555.50	89.44	644.94	43.00	5
89 20390	NAVJOT SINGH	75 <u>Male</u>	568.50	52.13	620.63	41.38	6
90 20797	BHAVIKA BANSAL	75 <u>Female</u>	541.50	69.92	611.42	40.76	7

7. Tritely the offer of appointment made to the appellant Simranpreet Kaur has been accepted by her, but the offer of appointment made to the appellant Navanjot Singh, for his being appointed against the post of BDO, has not been accepted by supra.

8. Consequently, insofar as the appellant Simranpreet Kaur is concerned, she does not, at this stage, have any right to claim, that she be offered an appointment against the post of PCS Executive, as through the hereabove acceptance, she has but acquiesced to the fact that the marks as became awarded to her, thus appertained to the category, whereagainst she had applied, thus pursuant to the issuance of the subject advertisement.

9. Therefore, the controversy which still stands to be answered by this Court, is confined only to whether in the wake of four backlog vacancies, two of which, backlog vacancies, fall to the reserved category supra, besides with the other two backlog vacancies, rather falling in terms of roster point to the quota of sportsperson general, to which, the present appellants belong whether *prima facie*, therebys they became invested with a right to seek theirs being considered for being appointed against the post of PCS Executive. Moreover, whether in the face of the said roster point being violated, yet the



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said violation can be invalidated despite the fact,

- (a) that the process of selections has ended, whereafter the selectees concerned, have been appointed against the post concerned;
- (b) whether the advancement of relief to the present appellants, espoused reliefs whereof become extracted hereinafter, can cause the imbalancing of equities, which already stand endowed viz-a-viz the appointees concerned;

“Civil Writ Petition under Articles 226/227 of the Constitution of India for the Issuance of a Writ in the nature of CERTIORARI quashing Advertisement No.14 (Annexure P-19) issued by Punjab Public Service Commission i.e. Respondent No. 3, on basis of Requisition dated 08.12.2020 sent by the state Government of Punjab, to the extent of inviting application for filling up 20 posts of Punjab Civil Service (Executive Branch), by way of direct recruitment, on account of it being vitiated and statutorily unsustainable for not having Incorporated the mandatory 3% reservation for Sportsman category, and further not having advertised backlog vacancies under the Sportsman category carried forward from earlier recruitment years, thus, being in violation of Punjab Recruitment of Sportsmen Rules, 1988 (Annexure P-5). and depriving candidates from the sportsperson category a fair chance of being considered for recruitment to the Punjab Civil Services (Executive Branch).

AND

For Issuance of a writ in the nature of

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LPA-1377-2024 (O&M); LPA-1337-2024 (O&M) and
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MANDAMUS directing the Respondents to issue the advertisement afresh for direct recruitment to the post of Punjab Civil Service (Executive Branch) after incorporating 3% reservation under Sportsman category as well as advertising backlog vacancies in accordance with the Punjab Recruitment of Sportsmen Rules, 1988 (Annexure P-5) and by suitably redrawing the vacancy breakup in the PCS(EB) category.

AND

Further pass any appropriate writ/order/direction permitting the Petitioners to participate in the selection process to be conducted by Respondent No. 3 for direct recruitment to the post of Punjab Civil Services (Executive Branch) as Advertised vide Advertisement No.14 (Annexure P-18), in furtherance to acceptance of their Application Forms under Sportsman category in pursuance to Order dated 30.06.2020 passed in CWP No. 8730 of 2020.

AND

Further issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances.

AND

In the interim it is respectfully prayed that the final selection by way of direct recruitment to the post of Punjab Civil Service (Executive Branch) vide Advertisement No.14 (Annexure P-19) being in violation of Punjab Recruitment of Sportsmen Rules, 1988 be stayed during the pendency of the



petition in the Interest of justice.”

- (c) whether at this advanced stage, when the other eligible aspirants against the posts of PCS Executives, thus did not make their apposite participation, but merely for want of the said posts becoming notified in the subject advertisement, whether therebys, discrimination arising theirs becoming deprived to participate therein, thus would also become wreaked upon them.

10. Significantly, in the instant case, the selection process has already concluded, and when against the instantly contested reserved post i.e. PCS Executive, thus purportedly pursuant to the roster point falling to the category of the present petitioner, rather the selectees concerned, have joined the relevant incumbencies, but yet with the said joinings against the relevant incumbencies, thus by the officers, who acquired the relevant merit against the post of PCS executive, but when yet not *prima facie* restrict the rights of the appellants to become endowed the benefit of the operative part of the order passed by this Court on 18.01.2024, the operative part whereof becomes extracted hereinafter:

“In the meantime, let the appellants be appointed against the vacant posts that were available for the category of sports person, when the advertisement was issued in the year 2020, subject to they being found to be in merit.”

11. Therefore, the learned counsel for the appellants has most vehemently argued, that despite the conclusion supra becoming made in paragraph 14 of the judgment passed by the learned Single Judge, yet with in the operative paragraph 19 of the judgment, para whereof becomes extracted



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hereinafter, rather a direction becomes embodied thus, for the issuance of a fresh advertisement, for therebys, yet 4 backlog vacancies *viz-a-viz*, the post of PCS executive, rather becoming filled up, but is vitiated on the ground that it breaches the supra made interim order.

12. For the reasons to be assigned hereinafter, the said argument does not appeal to the judicial conscience of this Court. The said argument though, *prima facie* has some vigour. However, the writ petition was filed in the year 2021, and on the first day when the writ petition was taken up before this Court, then no affirmative order as such became passed by this Court, to the extent, that the said backlog vacancies being kept reserved for being filled up by the present appellants, nor the import of the supra extracted order, is that *qua* therebys the selectees concerned, became restrained from joining the posts. On the other hand, the import of the said order is that, it would take effect, but subject to the terms of the subject advertisement, besides subject to the availability of posts to the relevant category. Therefore, all the selectees were therebys permitted to be offered appointment letters, which did become offered to them and ultimately, when they have also joined against the relevant incumbencies, therefore, at this stage, this Court does not deem it fit and appropriate to disturb the equities.

“19. *In the circumstances when the State Government has taken a decision to fill at least 3% posts from sportsmen category, the action of only advertising one post leaving aside four backlog posts has to be declared unjustified. The respondents are, therefore, directed to issue a separate advertisement for four posts of General Sports persons and*



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Scheduled Caste Sports persons and invite applications for the said posts. The selection process as per rules shall be carried out. The petitioners would be treated as eligible for participating in the selection process without objecting to their age or other eligibility conditions. If the petitioners are selected as per their merit, the appointments shall be offered to them for PCS (Executive Branch). The selections which have already been made, therefore, would not stand disturbed.”

13. Conspicuously, also since the answers to the supra formulated questions by this Court, are to be endowed *viz-a-viz*, the officers, who have joined against the relevant posts/incumbencies, therebys, at this belated stage, this Court does not deem it fit and appropriate, to imbalance or disturb the equities, which become endowed *viz-a-viz* the selectees/appointees concerned, against the aspired posts. Moreover, since the appellant Simranpreet Kaur has also been offered appointment, in terms of the merit list, which she has also accepted, and though the said accepted offer, is not against the aspired post of PCS Executive, but is against the post of Assistant Registrar (AR). Nonetheless, the factum of the said accepted appointment, thus by supra, against the post of AR, necessarily tantamounts to her's abandoning and foregoing her claim, *viz-a-viz* the post of PCS Executive.

14. Emphatically, now, if ultimately at this stage, the entire subject advertisement is quashed, therebys, reiteratedly the ill-consequence thereof would naturally be extremely catastrophic, to all the persons, who have joined against the relevant incumbencies. As such reiteratedly the said is to be avoided. Moreover, when therebys, there would be discardings of the merits



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acquired by the selectees against the advertised posts concerned. Resultantly, the appellant Simranpreet Kaur, may also be offered appointment against the post of AR, which she may join, but reserving liberty to her to participate in the fresh advertisement to be issued and which would be specifically confined to the post of Sportsmen (General) PCS Executive/Sportsmen (General), so that, thereby all the eligible aspirants, do get along with her, thus a fair chance to get selected against the said post. Moreover, when thereby, there would be no violation to the norms of equality, as propounded in Articles 14 and 16 of the Constitution of India.

15. The firmest reasons for making the supra conclusion, also becomes based on the factum, that a large number of aspirants against the post of PCS Executive (Sportsmen category (General)), who otherwise would have applied against the said post, where to no reservation became made and who thus, thereby, may have been precluded to take the combined examination, as was projected in the subject advertisement. Since thereby, they would not only become treated unequally, but also would become discriminated against only on account of this Court, quashing the entire subject advertisement, and also this Court accepting the alternative prayer made by the learned counsel for the appellants, that given their merit in the merit list against the post of PCS, they be yet considered to be offered appointment letter against the post of PCS Executive. Therefore, to obviate the perpetration of gross inequality and discrimination *viz-a-viz* those, who in the face of PCS Executive post, remaining unnotified in the subject advertisement, to fall to the category of the present appellant(s), rather became precluded to compete against the said post.



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In addition since therebys, the chances of the persons equally situated along with the present appellants, to seek selections against the reserved posts supra, but would become untenably ill-stalled, through this Court accepting the argument as made today before this Court by the learned counsel for the appellants, as such the said argument, is rejected.

16. In nutshell, with the above observation, this Court finds no merit in both the LPA's and, is constrained to dismiss them, but naturally after affirming the impugned verdict passed by the learned Single Bench of this Court.

17. In view of the above observation, the LPA-153-2024 and LPA-155-2024 filed by the private appellants are dismissed, and also the LPAs respectively bearing numbers LPAs No.1337, 1348 and 1377 of 2024, filed by the State of Punjab, are also dismissed.

18. Disposed of accordingly, along with all pending applications, if any, and all the interim orders, do also merge into this final order.

19. Photocopy of this judgment be placed on the files of other connected cases.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

March 17, 2025
Varinder

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