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

**CWP-3497-2017 (O&M)
Reserved on: 02.12.2025
Pronounced on: 16.12.2025**

Jashandeep Singh

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Lalit Rishi, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of final result whereby he was declared disqualified. He is further seeking direction to respondent to issue him appointment letter.

2. The petitioner belongs to Backward Class Category. He pursuant to Advertisement No.1/2016 (Sports) dated 23.11.2016 applied for the post of Sub Inspector. He plays Aquatic (Swimming and Water Polo) and there was one post ear-marked for said discipline. As per Advertisement, 20 Marks were ear-marked for trial and candidates to be eligible were required to score at least 50% i.e. 10 Marks. The respondent conducted trial of different candidates belonging to different disciplines. Four candidates were subjected to trial under Aquatic (Swimming and

Water Polo). None of them was declared qualified because none of them could score 10 or more marks.

3. Learned counsel representing the petitioner submits that as per Advertisement, candidates were supposed to display performance of the level or close to the level of achievement/records already established through concerned sports discipline. The petitioner performed very close to minimum level. As per prescribed standard, he had to complete 50 m breast stroke within 28.25 seconds whereas he completed in 30.30 seconds. His performance should be considered close to prescribed standard. There was no material difference in the benchmark of South Asian Federation Games (for short 'SAF Games') and performance of the petitioner. The trial was conducted on December 31, the coldest day of the year. Due to weather issues, the petitioner's performance could not be correctly assessed. Benchmark of SAF Games relates to All-Weather swimming pool whereas petitioner was asked to perform in the month of December.

4. On 14.09.2023, the following order was passed:

"1. In compliance of order dated 24.01.2023, additional affidavit of Mr. Naresh Kumar Dogra, Assistant Inspector General of Police, Office of Additional Director General of Police, State Armed Police, Punjab, Jalandhar has been filed on behalf of respondents No.1 to 3, which is taken on record. Copy thereof has been supplied to the counsel opposite.

2. The State of Punjab had invited applications for recruitment of Male & Female Sub-Inspectors (Sportspersons) in different cadres of Punjab Police against 3% quota vide advertisement dated 23.11.2016 (Annexure P-1). The break-up of 10 vacancies meant for Males in district Police Cadre, Intelligence Cadre and IT&T was given in the advertisement as follows:

<i>Sr. No.</i>	<i>Name of Discipline</i>	<i>Detail of Male Vacancies (District Police Cadre, Intelligence Cadre and IT&T)</i>	<i>Detail of Female Vacancies (District Police Cadre)</i>	<i>Grand Total</i>
		<i>A</i>	<i>B</i>	<i>(A+B)</i>
<i>1.</i>	<i>Aquatic (Swimming & Water Polo)</i>	<i>01</i>	<i>x</i>	<i>x</i>
<i>2.</i>	<i>Athletic</i>	<i>01</i>	<i>x</i>	<i>x</i>
<i>3.</i>	<i>Basketball</i>	<i>01</i>	<i>x</i>	<i>x</i>
<i>4.</i>	<i>Handball</i>	<i>01</i>	<i>x</i>	<i>x</i>
<i>5.</i>	<i>Hockey</i>	<i>01</i>	<i>x</i>	<i>x</i>
<i>6.</i>	<i>Judo</i>	<i>01</i>	<i>x</i>	<i>x</i>
<i>7.</i>	<i>Kabaddi (National Style)</i>	<i>0</i>	<i>x</i>	<i>x</i>
<i>8.</i>	<i>Shooting</i>	<i>02</i>	<i>x</i>	<i>x</i>
<i>9.</i>	<i>Volleyball</i>	<i>01</i>	<i>x</i>	<i>x</i>
<i>10.</i>	<i>Wrestling (Free Style & Greco Roman)</i>	<i>01</i>	<i>x</i>	<i>x</i>
	<i>Total</i>	<i>10</i>	<i>x</i>	<i>x</i>

3. The marks allocated as per selection criteria were as under:

<i>Sports Trials (Concerned discipline)</i>	<i>: 20 marks</i>
<i>Scrutiny of sports achievements (certificates)</i>	<i>: 25 marks</i>
<i>Interview-cum-Personality Test</i>	<i>: 05 marks</i>

4. Though the criteria for awarding marks for ‘Sports Achievements (certificates)’ was specifically defined in the advertisement on the basis of participation i.e. Olympics/World cup, Asian Games/World Championship, Commonwealth Games, Asian Championship and the achievements in the such participation i.e. Gold Medal, Silver Medal, Bronze Medal etc., but as regards the ‘Sports Trials’, the candidates were to participate in the physical trials in the concerned sports discipline for assessment of their performance in their respective sports discipline and the marks were to be awarded according to the performance displayed during the physical trails, as assessed by the Recruitment Board in association with Senior Coaches/Experts.

5. The petitioner had applied in the ‘Aquatic (Swimming & Water Polo)’ discipline, wherein there was only 01 vacancy for Male candidates. Four candidates had appeared in the physical test conducted for the purpose of Sports Trials ‘Aquatic (Swimming & Water Polo)’ for which maximum 20 marks were allocated, but all four of them were declared ‘Failed’. The

evaluation of the performance in the said discipline i.e. ‘Aquatic (Swimming & Water Polo)’ made by 6 Members’ Board is reproduced hereinunder:

Sr. No	NAME	x x	x x	xx	DISCIPLINE/ EVENT	GRADE/ TIME	SAF GAMES	MARKS AWARDED OUT OF 20	PAS S/ FAIL
1	KARAN BRAR	x	x	x	50 Mt. Butter Fly Stroke	00:26.62 Sec.	00:23.49 Sec.	08	Fail
2.	JATINDER PAL SINGH	x	x	x	Water Polo	B		09	Fail
3.	JASHANDEEP SINGH	x	x	x	50 Mt. Brest Stroke	00:30.30 Sec.	00:28.25 Sec.	09	Fail
4.	JEETINDER SINGH SOHI	x	x	x	Water Polo	B		09	Fail

6. A perusal of the aforesaid evaluation would indicate that the bench-mark set was as per SAF Games. The timing of the petitioner in 50 Mt. Brest Stroke is recorded as ‘00:30.30 Sec.’ as against the bench-mark of SAF Games i.e. ‘00:28.25 Sec.’. In other words, the petitioner took about 7% more time than the bench-mark. A perusal of the aforesaid chart further reveals that all the 4 candidates have been declared Fail in Aquatic Discipline by assessing them in accordance with SAF Games standard.

7. On the other hand, the performance of the candidates, who participated in Athletic Discipline, wherein Commonwealth Games record has been taken as the bench-mark, the performance of the candidates, has been assessed as under:

Sr. No	NAME	xx	xx	xx	EVENT	COMMON - WEALTH GAMES RECORD	TIME/ DISTANCE	DIFFERENCE	MARKS AWARDED OUT OF 20	PASS/ FAIL
1	NAVTEJDEE P SINGH	x	x	x	Shot Put	20.91 Mt.	18.24 Mt.	2.67 Mt.	12	Pass
2.	INDERJIT SINGH	x	x	x	100 Mt.	9.88 Sec.	11.35 Sec.	1.47 Sec.	15	Pass
3.	DAVINDER SINGH	x	x	x	200 Mt. 400 Mt.	19.97 Sec. 44.52 Sec.	23.16 Sec. 50.71 Sec.	3.19 Sec. 6.19 Sec.	11	Pass
4.	JASDEEP SINGH	x	x	x	Shot Put	20.91 Mt.	18.15 Mt.	2.76 Mt.	11	Pass

8. A perusal of the aforesaid chart would indicate that Inderjit Singh, who had taken part in 100 Mt. event, had clocked a timing of ‘11.35 Sec.’ as against the bench-mark of ‘9.88 Sec.’ and has been declared Pass having been

awarded 15 marks. Davinder Singh had clocked the timing of '23.16 Sec.' as against the bench-mark of '19.97 Sec.' in 200 Mt. event and the same very candidate had clocked the timing of '50.71 Sec.' as against the bench-mark of '44.52 Sec.' in 400 Mt. event and has been declared Pass having been awarded 11 marks.

9. This Court finds that in the 'Athletic Discipline', even a performance which falls short by more than 10% below the bench-mark, has enabled the candidates to 'Pass' the trails having been awarded 11 to 15 marks, whereas in the case of 'Aquatic Discipline', the petitioner who had under-performed by about 7% in 50 Mt. Brest Stroke (swimming) has been declared as 'Failed'. In fact, all the 4 candidates in the Aquatic Discipline have been declared as Failed.

10. It is further interesting to notice that while in the Aquatic Discipline, bench-mark of SAF Games has been applied, but in case of Discipline 'Shooting', the bench-mark applied is of All India Police Games and all the candidates have been declared as 'Pass' and have been awarded marks ranging from 15 – 18.

11. This Court is unable to understand as to why different bench-marks have been prescribed for different Disciplines. As such, the State to furnish information on the following aspects:

- (i) Why different bench-marks have been prescribed for different Disciplines?*
- (ii) Why in Discipline 'Shooting', the bench-mark as per the standards of All India Police Games only has been applied and not of any higher level competition i.e. SAF Games, Olympics/World cup, Asian Games/World Championship etc.? The said relaxed bench-mark has apparently resulted in declaring all the candidates as 'Passed' and none has Failed, whereas in Aquatic discipline, a higher bench-mark has resulted in all the candidates declared as 'Failed'.*
- (iii) Even if bench-mark as per the SAF Games standard has been applied in Aquatic Discipline, what was the yardstick applied for giving marks i.e. whether any definite yardstick had been applied for allotment of marks. In other words, upto what timing was a candidate to be declared as Pass or Fail or what were the marks to be allotted/deducted in respect of the excess timing recorded by a candidate?*

(iv) *Why in case of Race/Sprint i.e. 100 Mt. event, 200 Mt. event & 400 Mt. event under the Athletic Discipline, wherein the candidates, who had clocked timing even in excess of 10% or more than the bench-mark timing, have been declared as Pass, whereas in the case of Swimming under Aquatic Discipline where the petitioner had clocked the timing, which is just about 7% in excess of the bench-mark, he has been declared Failed.*

12. List again on 18.10.2023.

13. State to also furnish information as regards the observational methodology behind the distinctions, as noticed above and as to what is the intelligible differentia for adopting different bench-marks in allocation of marks for different Disciplines. An affidavit of Senior Officer of State be filed, clarifying on aforesaid issues.”

5. The respondent has filed affidavit dated 06.11.2023 pursuant to aforesaid order. The respondent has pointed out that post claimed by petitioner was reserved for SC Category whereas petitioner belongs to BC Category. In the Advertisement it was pointed out that reservation policy would be followed. The respondent has also issued standing order incorporating reservation policy. The petitioner cannot claim iniquitous treatment or discrimination. No candidate was selected in the category of petitioner. The post remained vacant because no SC Candidate was available and no candidate could score benchmark. There were three disciplines which remained vacant. The Court cannot look into prescribed standards *vis-à-vis* performance.

6. The relevant extracts of the affidavit dated 06.11.2013 are reproduced as below:

“The merit lists of the candidates of each discipline were prepared separately on the basis of posts advertised for recruitment as stated above. The parameters i.e. stamina, strength, timing/score, start-up/stance and attacking ability etc. to judge the suitability/skill of the candidates of various disciplines

are different. As such, the Recruitment Board had applied different bench marks for different disciplines.

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(ii) That the detail of results of SAF Games-2016 as well as All India Police Games-2016 in the events of Shooting discipline, for which Recruitment Board conducted the trials of the candidates for recruitment in the rank of Sub-Inspector (Sportspersons) is as under:

Name of candidate & event	Result of SAF Games-2016 (1 st , 2 nd and 3 rd position)	Result of All India Police Games-2016 (1 st , 2 nd and 3 rd position)	Points scored by the candidates	Marks given by the Recruitment Board.
(i) Akshay Jain (Free Pistol)	1 st 550/600 (91.66%) 2 nd 540/600 (90%) 3 rd 538/600 (89.66%)	1 st 547/600 (91.66%) 2 nd 544/600 (90%) 3 rd 534/600 (89.66%)	278/300 (92.66 %)	18
(ii) Ajitesh Kaushal	1 st 569/600 (94.83%) 2 nd 566/600 (94.33%) 3 rd 563/600 (93.83.66%)	1 st 553/600 (92.66%) 2 nd 542/600 (90.33%) 3 rd 541/600 (90.16%)	267/300 (89.00 %)	15
(iii) Achal Pratap Singh Grewal (STD Pistol)			280/300 (93.33%)	18
(iv) Ekambir Singh Mandi	1 st 623.2/600 (95.29%) 2 nd 621.9/600 (95.09%) 3 rd 621.5/600 (95.03%)	1 st 617.8/600 (94.46%) 2 nd 613.4/600 (93.79%) 3 rd 613.2/600 (93.76%)	387/300 (96.75 %)	17
(v) Milanpreet Singh (Air Rifle)			394/300 (98.5 %)	18
(vi) Tinjit Dhanota (Air Pistol)	1 st 583/600 (97.16%) 2 nd 576/600 (96%) 3 rd 576/600 (96%)	1 st 575/600 (95.83%) 2 nd 574/600 (95.66%) 3 rd 571/600 (95.16%)	385/300 (96.25 %)	18

From the above said chart, it is apparent that the candidates who have participated in the events of Free Pistol and Air Rifle had scored more points than the 1st, 2nd & 3rd positions and in Air Pistol had scored more points than 2nd & 3ra positions of SAF Games-2016.

iii) That the detail of marks given to the candidates of Aquatic (Swimming and Water Polo) discipline by the Recruitment Board was as under:

Name	Discipline/ Event	Grade/Time of Candidate	Result SAF Games-2016	Marks of Candi date	Result of Candidat e
Karan Brar	Aquatic/50 Mt. Butter Fly Stroke	00:26:62 Sec	00:23:49 Sec	08	Fail
Jatinder Pal Singh	Aquatic/W ater Polo	B	-	09	Fail
Jashandee p Singh	Aquatic/50 Mt. Brest Stroke	00:30:30 Sec	00:28:25 Sec	09	Fail
Jeetinder Singh Sohi	Aquatic/W ater Polo	B	-	09	Fail

It is submitted that the suitability/skill in the event of Aquatic (Swimming) is adjudged on the basis of start, under water stroke, finishing, touching and timing performed by the sportspersons. Therefore, the Recruitment Board awarded marks to the above said candidates keeping in view their performances in all the above said aspects.

iv) That the result of candidates in Athletic Discipline was compared with the result of Commonwealth Games-2016 by the Recruitment Board. It is pertinent to mention here total 53 countries participated in Commonwealth Games. As per sports policy-2023 issued by the State Government vide letter No.03/18/2018-3SS/625, dated 31.07.2023 the competition of Commonwealth Games has been placed in Group-B, category. Whereas, in South Asian Federation Games, only 08 countries i.e. Afganistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka are participated and as per sports policy-2023 issued by the State Government, this competition has been placed in Group-C, category.

In view of facts explained above, the level/ standard of the Commonwealth Games is much more than the South Asian Federation Games, hence, the percentage of difference of timing of these competition can not be compared. As such, the Recruitment Board had rightly been granted marks to the candidates of Athletic and Swimming Discipline.

7. From the perusal of written statement as well as additional affidavit of respondent, it is evident that respondent applied different parameters for different sports disciplines. There was no discrimination between similarly situated sports persons. There is no allegation of mala

fide against the respondents. There were four candidates in Aquatic (Swimming and Water Polo). None of them was selected. As per respondent, said post was reserved for SC Category and petitioner belongs to BC Category, thus, in any case, he was ineligible.

8. The petitioner admittedly could not achieve the target in the trial. He was supposed to complete the game in 28.25 seconds whereas he completed in 30.30 seconds, thus, was declared fail. He is claiming that due to winter season, he could not achieve the target within prescribed time. The South Asian Games are played in All-Weather swimming pool whereas petitioner was asked to undergo trial in winter season. There was no discrimination with the petitioner. All the candidates were asked to pass test in the same swimming pool. This Court cannot change the Rules of game after being played. The petitioner participated in the trial without any demur or protest. In the absence of discrimination or violation of Rules on the part of respondent, the petitioner cannot be heard to say that he should be given relaxation on the ground of weather condition. The trial has to be completed within 28.25 seconds whereas petitioner completed in 30.30 seconds. It is settled proposition of law that High Court while exercising writ jurisdiction cannot interfere with the subjective satisfaction of the Interview Board. Selection Committee has to be left to devise its own procedure, subject to the same being fair and reasonable. Selection has to be made by assessment of relative merits. It is not necessary to give reasons for the assessment. The Recruitment Board has to be given free play in joints. The power of awarding marks in interview is coupled with the duty to select the best and cannot be exercised arbitrarily. In the instant case, there is nothing on record

disclosing arbitrariness on the part of Recruitment Board, thus, interference is not warranted.

9. In the wake of aforesaid discussion and findings, the instant petition deserves to be dismissed and accordingly dismissed.

10. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

16.12.2025
Prince Chawla

Whether Speaking/reasoned	Yes
Whether Reportable	Yes

Date of Uploading: 17.12.2025