

2026:PHHC:022230



CWP-9419-2021 and CWP-28169-2019

:1:

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

217 (2 cases)

CWP-9419-2021 (O&M)

PINKY GUPTA

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

2.

CWP-28169-2019 (O&M)

Date of decision : 12.02.2026

BALPREET KAUR

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

**Present :- Mr. Sunny Singla, Advocate
for the petitioner.**

Mr. N. P. S. Hira, DAG, Punjab.

Deepinder Singh Nalwa, J. (Oral)

**1. By this common order, two writ petitions, the details of which
have been given in the heading, are being decided, as both these petitions**

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involve the same question of law based on similar facts and the facts are being taken from CWP-9419-2021.

2. In the present writ petition, the petitioner has challenged the selection list dated 12.03.2021 (Annexure P-11) vide which, candidates who were lower in merit than the petitioner, have been selected on the post of Science Master/Mistress. The petitioner has also challenged the selection list dated 30.03.2021 (Annexure P-12), whereby open category candidates were selected against the posts reserved for General (Sports) category.

3. Brief facts of the case are that respondent No.3 issued an advertisement on 28.02.2020 (Annexure P-1) inviting applications from eligible candidates for filling up 2182 posts of Master Cadre in the Punjab Education Department. Two corrigendums dated 23.06.2020 (Anneuxre P-2) and 10.08.2020 (Annexure P-3) were issued, subsequent to the issuance of the above said corrigendums, the petitioner submitted her online application form (Annexure P-6) for consideration on the post of Science Mistress in the General (Sports) category. A written examination was held on 10.01.2021 in which the petitioner duly participated. The petitioner was called for scrutiny of documents on 30.01.2021 and the petitioner duly appeared before the scrutiny committee. The respondents issued a public notice dated 12.03.2021 (Annexure P-11) whereby candidates lower in merit than the petitioner in the General (Sports) category were selected for appointment. As per the petitioner, she had secured 61 marks, as such, she was entitled to be selected on the post in question.

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4. Aggrieved against the action of the respondents in not considering the case of petitioner for appointment on the post of Science Mistress, the petitioner has filed the present writ petition.

5. Learned counsel appearing on behalf of the petitioner submits that as the petitioner had secured more marks than the last selected candidate selected in her category, as such she has a right to be selected on the post of Science Mistress under the General (Sports) category. Learned counsel further submits that a perusal of the written statement filed by the department would show that the reliance has been placed upon the Punjab Recruitment of Sportsmen Rules, 1988 (hereinafter referred to as the '1988 Rules'), and on that basis, the petitioner has been held ineligible for consideration for selection. Learned counsel further submits that the above said 1988 Rules were never referred to in the advertisement dated 28.02.2020 (Annexure P-1), as such, the same cannot be taken into consideration while considering the case of petitioner. Reliance has also been made to the judgment passed by the Co-ordinate Bench of this Court in **CWP No.7895 of 2008, titled as 'Rajwinder Singh and others Vs. State of Punjab and others', decided on 03.05.2010.**

6. Learned counsel appearing on behalf of respondents submits that in light of the 1988 Rules, in order to become eligible for recruitment to a Class-III post under Sports category, a candidate has to win 1st, 2nd or 3rd position in team or individual events while representing the State of Punjab in a State Level Championship in any discipline affiliated to the Punjab

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Olympic Association organized by the State Level Federation. As the petitioner did not secure 1st, 2nd or 3rd position in terms of above said rules, her case cannot be considered, as she does not fall within the definition of a 'Sportsmen'.

7. After hearing learned counsel for the parties at some length, the issue involved in the present writ petition is whether the petitioner could have been considered in the General (Sports) category for the purpose of appointment on the post of Science Mistress. A perusal of the facts of the case would show that the case of the petitioner has not been considered on the ground that as per the 1988 Rules, she is not eligible to be considered under the General (Sports) category.

8. With regard to the contention raised by the counsel appearing on behalf of the petitioner that the 1988 Rules cannot be taken into consideration as they were not referred or mentioned in the advertisement is concerned, it is well settled law that if any rule or instructions are not mentioned in the advertisement but have been issued before the issuance of advertisement, they have to be read as a part of the advertisement. It is not in dispute that as per the 1988 Rules, the petitioner is not eligible to be considered under the General (Sports) category for the purpose of appointment.

9. Taking into consideration the 1988 Rules read with the advertisement, the petitioner petitioner has rightly been held ineligible for consideration for appointment under the General (Sports) category.

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10. In regard to the reliance made by the petitioner on the judgment passed by the Co-ordinate Bench in **Rajwinder Singh's** case (supra) is concerned, a perusal of the above said judgment would show that the issue involved in the case was whether a candidate possessing a D grade certificate, was eligible to be considered for appointment on the post of JBT, as such, the above said judgment will not be applicable in the case of petitioner.

11. In view of above, this Court finds no merit in the writ petitions.

12. Accordingly the same are dismissed.

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

(DEEPINDER SINGH NALWA)
JUDGE

12.02.2026

Rimpal

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No