

**CWP-19535-2018****-1-**210

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

CWP-19535-2018**Date of Decision : 01.04.2026****RAMESH KUMAR****.....Petitioner**

VERSUS

STATE OF PUNJAB AND ORS**.....Respondents****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Ms. Seema Kumari, Advocate for
Ms. Sonia G. Singh, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, Addl.A.G., Punjab
for respondent no.1.

Ms. Deepali Puri, Advocate,
for respondent no.2.

Mr. Sukhtej Sandhu, Advocate,
for respondents no.4 and 7.

None for respondents no.5 and 6.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, as cast under Article 226/227 of the Constitution of India, the selection list dated 14.02.2018 (Annexure P-8), has been put to challenge on the ground that, respondents no.2, has not selected any person from the Sportsman Category, despite one post being reserved under the said category. Instead, a candidate belonging to General Category has been appointed against the post reserved for Sportsman Category.

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2. Before this Court evaluate the claim of the petitioner, as raised through the instant petition, lets have a glimpse upon the facts *qua* which there is no wrangle amongst the parties.

3. Respondent no.2, vide Advertisement dated 06.01.2018, advertised four posts of Peon, alongwith one post of Process Server. The fraction of the posts of Peon, which were reserved for the different categories, is extracted hereinafter:-

Sr.No.	Post	No.Posts	Scale	Qualification	Age
1.	XXX	XXX	XXX	XXX	
2.	Peon	Total 04 01 (ESM) 01 (SC) 01 (BC) 01(Sportsman)	Rs.4900-10680 with Grade Pay of Rs.1300/- as per Punjab Govt. Letter No.77/204/2012-4FP1/66, dated 15.01.2015, or as per instructions of Hon'ble High Court/Punjab Government admissible from time to time.	Middle pass and should have knowledge of Punjabi/Hindi	

4. The petitioner considering himself eligible for the post of Peon, under Sportsman category, applied for the same. As per the affidavit dated 31.10.2018, sworn in by the Director, Sports Punjab (respondent no.3), it was verified that the petitioner has been issued Sports Gradation Certificate, bearing No.34522 (Serial No.10178), dated 16.10.2017, and as per para 2(a) (c) of the Punjab Sportsmen Recruitment Rules, 1988 (Annexure P-10), the criteria for Class IV, post under sports quota is prescribed as under:-

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“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 Championship organized by the concerned District Level Association affiliated to the State Level Association in the respective discipline.”

5. The affidavit finally voiced that the petitioner is eligible under sportsman quota for the Class-IV post.

6. On the strength of the above affidavit, it is submitted by learned counsel for the petitioner that respondent no.2, has committed illegality in appointing a candidate from General Category, instead of considering eligible candidates like the petitioner, who fulfilled the requisite criteria under the said category.

7. She further placed reliance upon a judgement passed by a co-ordinate bench of this Court in CWP-26150-2015 (Annexure P-11).

8. The aforesaid contention of the petitioner was strongly opposed by learned counsel representing respondent no.2, and submits that the selection committee is required to take into consideration the educational qualifications, sports gradation certificate, and other relevant credentials possessed by the candidates.

9. She further submits that in order to be eligible, for consideration on the advertised post, a candidate is required to obtain at least 8 marks out of total 20 marks. In the instant case, the petitioner has obtained only 05 marks, therefore, he was found ineligible to be considered for the advertised post of peon. Consequently, only on this ground, the instant petition, is not maintainable.



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10. This Court has considered the rival submissions, as made by learned counsel for the parties concerned, and has perused the entire case file.

11. In order to gauge the validity of the claim of the petitioner, the proviso to Rule 7 of the Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997, assumes significance, which is extracted hereinafter:-

*“Where no candidate of reserved category is available,
then appointment will be made from general category.”*

12. In the instant case, the petitioner, had obtained only 05 marks out of total 20 marks, therefore, he was found ineligible to be considered for advertised post. As per the averments made by learned counsel for respondent no.2, which is not refuted by learned counsel for the petitioner, that when no suitable candidate under Sportsman Category was found, then by invoking Rule 7, the appointment was made from the General Category candidates.

13. Accordingly, in view of the proviso to Rule 7 of the aforesaid Rules of 1997, this Court finds no illegality in the impugned selection list (*supra*). Therefore, the instant petition, is hereby, **dismissed**.

14. All pending application(s), if any, also stand **disposed** of accordingly.

April 01, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No