

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(234)

CWP No. 17230 of 2022
Date of Decision : 09.01.2024

Jagtar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bhupinder Malik, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, Deputy Advocate General,
Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the petitioner is claiming the grant of gradation certificate, which benefit has been rejected by the respondents vide impugned order dated 09.07.2022 (Annexure P-16).
2. Learned counsel for the petitioner submits that the order dated 09.07.2022 (Annexure P-16) cannot sustain on the ground that in the impugned order, the ground given for non-issuance of gradation certificate is that no reply has been received from the Association concerned with regard to the verification of the Achievements certificate submitted by the petitioner, whereas, in the reply filed, the respondents have conceded the fact that reply was received from the Association

concerned that the Achievement Certificate submitted by the petitioner has been issued by them.

3. Learned counsel for the respondents, on the other hand, submits that though, at the time of passing of the impugned order dated 09.07.2022 (Annexure P-16), no such reply had been received but thereafter, a reply by e-mail was received from the Association concerned that the certificate of Achievement was given by the said Association but still the benefit of said certificate cannot be given as, the Association itself stated that the record pertaining to the issuance of the certificate has already been burnt in Jat Agitation.

4. Learned counsel for the respondents further submits that even if it is assumed for the sake of argument that Haryana State Archery Association has issued the certificate but, only an Association, which has been recognized by the Ministry of Sports & Youth Affairs, can be taken into consideration for issuing the gradation certificate and nothing has come on record so far that Haryana State Archery Association, which has given the certificate of achievement to the petitioner, is a recognized Association by the Federation of the Archery Association of India and further by the Ministry of Sports & Youth Affairs, Government of Haryana.

5. 6. Learned counsel for the petitioner submits that the petitioner was issued a certificate, copy of which has been appended as Annexure P-12. Learned counsel for the petitioner submits that the tournament in question was the 34th Haryana State Archery

Championship, which was organized by the Deputy Commissioner, Sirsa and the certificate issued to the petitioner has duly been signed by the Deputy Commissioner, Sirsa as the Chairman of the Organizing Committee as well as by the District Sports Youth Affairs Officer, Sirsa, hence the said certificate is to be treated as a genuine certificate for the grant of gradation certificate. Learned counsel for the petitioner further submits that Association has already verified the issuance of the said Achievement Certificate vide Annexure P-14 dated 06.05.2022.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It is a conceded position that the gradation certificate is to be issued as per the Policy dated 25.05.2018 (Annexure P-3) and the category of tournaments, which have been recognised for the grant of Gradation Certificate has been mentioned in Clause-V of the said Policy. Under Category 13, the State Games/State Women Sports/State School/State Rural and Panchayat and State Inter University Tournament have been recognized as valid tournaments so as to grant the gradation certificate provided, the relevant Haryana State Association, under which the candidate has participated in the tournament, is recognized by the concerned National Federation, which is affiliated to the Indian Olympic Association or the Department of Sports & Youth Affairs, Haryana. Further, the sport gradation certificate can only be issued keeping in view the merit position obtained by the sports person concerned while participating in the said tournament.

8. The argument raised by the learned counsel for the petitioner that the Achievement Certificate issued to the petitioner is issued by a recognized federation, hence, the same should be taken into consideration for the grant of gradation certificate is to be considered keeping in view the Gradation Policy dated 25.05.2018 (Annexure P-3).

9. A bare perusal of the Policy would show that only the tournaments, which have been organized by the Haryana Sports Association, which Association is duly recognized by the National Sports Federation, which National Sports Federation should be duly affiliated to the Indian Olympic Association or the Department of Sports & Youth Affairs, Haryana can be considered for issuing gradation certificate. A bare perusal of the certificate Annexure P-12 would show that no information as to whether, the Haryana State Archery Association is affiliated to the National Archery Association and the same has been affiliated to Indian Olympic Association or has been recognized by the Department of Sports & Youth Affairs, Government of India. In the absence of such record, mere issuance of a certificate by the Haryana State Archery Association will not be good enough for the grant of gradation certificate as a candidate will only acquire right to get the gradation certificate issued in case, the terms and conditions of the Policy dated 25.05.2018 are fulfilled.

10. Further, the argument of the learned counsel for the petitioner that the achievement certificate Annexure P-12 has been signed by the Organizing Committee as well as District Sports & Youth Affairs

Officer, Sirsa and the same should *ipso-facto* becomes recognized cannot be accepted. The certificate has been issued by the Organizing Committee. The Organizing Committee has only recognized/certified the participation of the petitioner in the said event during the tournament and his achievement. Whether, the said achievement is covered under the Policy dated 25.05.2018 (Annexure P-3) is to be seen before issuance of the gradation certificate and only the tournaments, which have been organized by the recognized Haryana Sports & Youth Affairs Association, are to be taken into consideration.

11. In the reply, the respondents have clearly stated that the Haryana State Archery Association under which the petitioner participated in the tournament is not a recognized Association and does not fulfill the requirements of the Policy as envisaged at Category No. 13 of Policy dated 25.05.2018 (Annexure P-3).

12. Learned counsel for the petitioner has not been able to rebut the said objection, hence, in the absence of learned counsel for the petitioner to convince this Court that the claim of the petitioner is covered for issuance of the gradation certificate as per the Policy dated 25.05.2018 (Annexure P-3), no direction can be issued by this Court for issuance of the gradation certificate.

13. At this stage, learned counsel for the petitioner argues that in certain circumstances, for the same tournament, the sports person, who had participated under the same Association had already been issued the

gradation certificate, hence, the present is a case of discrimination, which cannot be allowed.

14. Learned counsel for the respondent-State concedes the factum that some of the candidates have been issued the gradation certificate inadvertently and the action has already been taken against the Officer issuing those gradation certificate. Learned counsel for the respondents submits that appropriate action is being taken to withdraw those certificates from the candidate as well as the same is not in accordance with Policy concerned.

15. That being the position, no direction can be issued by this Court for issuance of gradation certificate to the petitioner once, the petitioner has not been able to prove that he is entitled for the grant of gradation certificate under the Gradation Policy dated 25.05.2018 (Annexure P-3). Further, there cannot be a negative discrimination. In case, any person, who is not entitled for a benefit, has been granted the same, the same cannot be treated as a precedent to grant the benefit to any other ineligible person. There is no discrimination as being alleged by the petitioner for the grant of gradation certificate.

16. No ground is made out for the grant of prayer as made in the present petition.

17. Dismissed.

January 09th, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No