

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

***CWP No.16355 of 2011 (O&M)
Date of decision : 20.09.2016***

Santosh W/o Krishan Kumar

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. S.S. Dinarpur, Advocate with
Mr. Subhash Godara, Advocate for the petitioner.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J.

The instant petition is directed against the order dated 09.06.2010 at Annexure P-18 passed by the Director General of Police, Haryana in terms of which the claim of the petitioner who was then serving as Lady Constable for enlistment in B-1 Test for the year 2005 against 10% quota reserved for outstanding sportspersons have been declined.

Mr. S.S. Dinarpur, learned counsel appearing for the petitioner would contend that the petitioner had participated in the XV Senior National Circle Kabaddi Championship held in the year 2003 and had secured 1st position. It is contended that the petitioner had also secured 1st position in the XVI Senior National Circle Kabaddi Championship for Men and Women held under the aegis of Amateur Circle Kabaddi Federation of India in the year 2004 and accordingly was vested with a right to be considered for enlistment in B-1 Test against 10% quota for outstanding sportspersons.

The rejection of the claim of the petitioner is sought to be justified by learned State counsel in terms of the reasoning furnished in the impugned order itself which is to the following effect:

“IG/HAP/MBN has intimated that the event of Circle Kabaddi is neither listed in Olympic/Non-Olympic or National Games nor a part of All India Police Games.”

The claim of the petitioner to be brought on list B-1 against 10% quota for outstanding Sportspersons as also the validity of the impugned order dated 09.06.2010 would require examination in the light of the statutory provision providing for such quota.

The relevant rule is Rule 13.7 of the Punjab Police Rules as applicable to the State of Haryana and which reads in the following terms:

“All constables irrespective of their educational qualifications shall be eligible to be brought on List B-1, on the basis of consistent outstanding performance in Job/obtaining Gold or Silver Medal in All India Police Games/Duty Meet/National or international Games or exceptional display of bravery during the course of performance of official duty if they are under the age of 40 years and have completed 2 years of service on the 1st day of January of the year in which selection is made. Only those constables shall be brought on List B-1 after 2 years of service, but before 5 years of service who have won a medal in International Sports event like Olympics, Asian Games, Commonwealth games or similar International event. Constables who have won medals in national Games/All India Police Games/Duty meet and who are being considered for exceptional bravery or consistent outstanding performance shall be considered only if, they have put in a minimum 5 years of service.”

It has gone uncontroverted that the petitioner had joined service in the year 2001 and her claim had been put up in relation to the year 2005 i.e. in circumstances wherein she has put in more than 2 years of service but prior to completion of 5 years of service. Under Rule 13.7, such Constable

shall be brought on list B-1 after 2 years of service but before 5 years of service who have won a medal in an International Sports Event like Olympic, Asian Games, Commonwealth Games or similar International Event.

In spite of a specific query having been put, learned counsel appearing for the petitioner has not been able to advert to and refer to any document to demonstrate that the petitioner while participating in the sport of Kabaddi had won any medal in an International Sports Event. A feeble attempt has been made by learned counsel appearing for the petitioner by referring to the certificates at Annexures P-8 and P-9 to submit and to contend that by virtue of such certificate, the participation of the petitioner in the sport of Kabaddi could be seen even at the Asian Game level. Such submission is wholly misconceived. The certificates at Annexures P-8 and P-9 only refer to the participation of the petitioner in the Senior National Circle Kabaddi Championships held under the auspices of the Amateur Circle Kabaddi Federation of India and which in turn is affiliated with the Asian Amateur Circle Kabaddi Federation. By no stretch of imagination, can such certificates at Annexures P-8 and P-9 be construed to mean that the petitioner has participated in the sport in question at an international level i.e. Asian Games so as to fall within the scope and ambit of the expression ***“International Sports Event”*** as mentioned under Rule 13.7.

As an argument of last resort, Mr. Dinarpur, learned counsel for the petitioner would place reliance upon a Memo dated 30.11.1993 issued from the Office of the Chief Secretary, Government of Haryana at Annexure P-20 to contend that Kabaddi (Haryana Style) is covered as a Non-Olympic game and accordingly, the benefit under the 10% quota for enlistment to the

B-1 Test cannot be denied to her. Even such submission is being noticed only to be rejected. The communication dated 30.11.1993 at Annexure P-20 was in the nature of instructions/guidelines for issuance of gradation of sports certificates. Even if, Kabaddi (Haryana Style) in which the petitioner may have participated and excelled is covered under the expression Non-Olympic Games, it would be of no consequence as such communication/memo cannot supersede and override the statutory provision i.e. Rule 13.7 and the specific requirement therein i.e. of the candidate having won a medal in an International Sports Event.

Such being the position, this Court does not find any infirmity in the impugned order dated 09.06.2010 at Annexure P-18 declining the claim of the petitioner for being enlisted in B-1 Test for the year 2005 against 10% quota.

Writ petition is, accordingly, dismissed.

20.09.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |