

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

Civil Writ Petition No.6040 of 2012

Date of decision: 8.1.2016

Gurbhej Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms.G.K.Mann, Advocate,
for the petitioner.

Mr.Inqulab Nagpal, AAG, Punjab.

Mr.Amandeep Singh, Advocate,
for respondent No.4.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

A qualification which may hold good in the past may loose its value today in the competitive world of appointments to public service. It is the case of the petitioner that he had a right of consideration in the Sports quota for appointment to the post of Assistant Librarian in Punjab Education Department on the basis of a C-certificate issued by the office of the Director [Sports], Punjab in 1990 for participating in 1986-87 State Level School Games. The prevailing policy instructions on reservation of posts in Sports quota are governed by circular dated 10.12.1997 as revised from time to time which deals with gradation certificate and reservation of

seats for sportsmen/women in technical/medical services. Only when the conditions are satisfied, the preferential treatment can be given in Article 15 based reservation. The prevailing policy does not place any worth on a certificate received for participating in school games. The reservation for sportsmen is available only for winning and participating either in Olympic Games, World Cup, Asian Games, Commonwealth Games, Asia Cup and Test/One day cricket matches etc. The discipline/field of sports is also prescribed in the instructions. The petitioner participated in Kho-Kho tournament.

The State and private respondent No.4 have filed replies and contested the case much on the lines as above. It is averred that the sports gradation policy is prepared under rules called Punjab Sportsman Recruitment Rules, 1988 (Direct Recruitment), and further reflected in the Sports Gradation Policy dated 10.12.1997 and the amendments made by Government of Punjab therein from time to time. They submit that the Sports Gradation Certificate issued to the petitioner was in terms of the policy prevailing at that time.

For these reasons, they have held the petitioner not eligible for recruitment under the Sports quota.

In view of the above, this Court is unable to grant any relief to the petitioner since his case does not fall in the policy prevailing on the date of the advertisement issued in the year 2009.

No merits. Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

January 8, 2016