

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14727-2017

Date of Decision: July 11, 2017

Eshvita Bhadoo

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.R.K.Malik, Sr.Advocate with
Mr.Kuldeep Sheoran, Advocate
for the petitioner.

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SURYA KANT, J.

The question which arises for consideration is whether the petitioner is entitled to seek counter-signature and consequential acceptance of her 'Sports Gradation' for the purpose of admission in the State of Punjab?

[2] The petitioner is a domicile of State of Punjab. She has passed her 10+1 and 10+2 examination from a school situated in Union Territory, Chandigarh. She also participated in 'UT State School Tournament' in Basket Ball and has been granted Grade 'C' Certificate by the Chandigarh Administration (Annexure P-4).

[3] The petitioner applied for counter-signing of the said Sports Gradation Certificate by the Department of Sports, Punjab, so that she could claim benefit of reservation meant for sports persons in the State of Punjab.

Her request has been declined by the Director Sports, Punjab, vide impugned

communication, dated 07.07.2017, for three reasons, namely, (i) as per Gradation Policy 1997 as amended on 18.08.2008, only Gold, Silver and Bronze medal holders are eligible for gradation; (ii) only those sports gradation certificates of Chandigarh Administration can be counter-signed which are issued to such residents of Union Territory whose parents are in service of Punjab State and are posted at Chandigarh during the relevant period; and (iii) such sports persons must have played as a nominee of State of Punjab.

[4] The aggrieved petitioner is before us. We have heard learned Senior counsel at a considerable length and are of the view that the order declining petitioner's request to counter-sign her 'Sports Gradation Certificate' warrants no interference.

[5] The petitioner primarily harps upon Clause 11 of the Notification, dated 02.06.2017, issued by Department of Medical Education & Research (Annexure P-6) for the purpose of admission to MBBS/BDS Courses in Medical and Dental Institutes in the State of Punjab and which reads as follows:

“11. The candidate should be a bonafide resident of Punjab. The resident status of Punjab State shall be taken in terms of Punjab Government, Department of Personnel and Administrative reforms (PP-II Branch) letter No.1/3/95-3 PP II/9619, dated 6th June, 1996, ID No.1/2/96-3PP-2/8976 dated 7th July, 1998 and ID No.1/3/95-3PP/II/81 dated 1st January 1999 and any further instructions issued by the Department of Personnel, if any, and the same shall be adhered to. Candidate must have passed 10+1 and 10+2 examination from Punjab. Candidate who passed his/her 10+1 and 10+2

examinations or other equivalent examination from a recognised School/Institution situated in Chandigarh (Union Territory), who is bonafide resident of Punjab shall also be eligible.”

[emphasis applied]

[6] Since the petitioner has passed her 10+1 and 10+2 examinations from a recognised school situated in Chandigarh (Union Territory) and she is a *bona fide* resident of Punjab, it is claimed that she is eligible for the benefit of reservation for sports persons in the State of Punjab. The contention is wholly misplaced. The above reproduced clause makes the petitioner eligible to seek admission to MBBS/BDS Course in a Medical and Dental Institute in the State of Punjab. It has no relevance for the petitioner's claim for admission in the reserved category of 'Sports Person'.

[7] The question whether the petitioner is entitled to counter-signing of her 'Sports Gradation Certificate' in the State of Punjab has to be answered with reference to the provisions contained in the Sports Gradation Policy of Punjab 1997, as amended from time to time. Note No.15(v) of the Notification dated 02.06.2017 which the petitioner relies upon categorically requires that the **“credit shall be given only for the sports achievements made during class XI and XII. The admission shall be made on the basis of inter-se merit of the candidates determined on the basis of gradation (Cat A/B/C) issued by the Director of Sports, Punjab.”**

[8] Adverting to the Punjab Government Policy, dated 10.12.1997, firstly it may be seen that the Grade 'C' Certificate can only be issued to the sportsmen/women who have achieved Ist, 2nd and 3rd position in the following tournaments/Championship/meets:-

“(i) Position holder of Punjab State Championship for Senior and Junior organized by Punjab Sports Department/Punjab Olympic Associations.

(ii) Position holder of Inter District State Championships organised for Senior and Juniors under banner of Punjab Olympic Association/Punjab Sports Department/State Sports Associations.

(iii) Position holders of State School Games organised by Education/Sports Department.”

[9] The petitioner admittedly did not participate in any Tournament/Championship held by Punjab Sports Department/Punjab Olympic Association nor she is the position holder in any of the State games organised by Education/Sports Department, Punjab. Clause 4(1) of the Policy further reads as follows:-

“ For Gradation Sports Department Punjab will only entertain the claim of domicile of the State who actually participated in the competitions as nominee of Punjab Team. This will leave out the Sports residents of other States, Punjab domiciles or even of Punjab and Chandigarh who do not represent Punjab any competition as Punjab nominee.”

[10] It stands crystallized that unless one plays and represents the State of Punjab in a Sports competition as a Punjab nominee, he/she is not eligible to seek Sports gradation under the Policy.

[11] Likewise Clause 4(2) reads as follows:-

“Claim of the resident of Union Territory of Chandigarh will only be entertained for counter signature or certificate issued by the Department of Sports, Union Territory of Chandigarh for National School Games only provided parents belong to the Punjab State Service and are

posted at Chandigarh during the period of which gradation is being claimed for their wards. For junior and Senior National Championships, they must play as nominee of the State of Punjab as is the case in PARA-1 above.”

[emphasis applied]

[12] The petitioner's contention that the above stated Clause does not apply in her case, has to be understood in its right perspective. We have no doubt in our mind that only those students can seek benefit of their sports gradation achieved while studying in Chandigarh, whose parents are posted in Chandigarh being members of Punjab State Services. In other words, it is only if one is required to study in Chandigarh as a compulsion due to the posting of his/her parents, that such student is entitled to the benefit of Sports Gradation of Chandigarh Administration for admission in 'Sports Quota' in the State of Punjab. However, if a child/ward studies in Chandigarh at his/her own will, without any compulsion, such student cannot seek benefit of Sports Gradation Certificate of Chandigarh Administration without representing the State of Punjab in a Sports Tournament/Championship. The petitioner having not done so, her claim has rightly been rejected.

[13] For the reasons aforestated, the writ petition is dismissed.

(SURYA KANT)
JUDGE

July 11, 2017
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(SUDHIR MITTAL)
JUDGE

- 1. Whether speaking/reasoned ?
- 2. Whether reportable ?

Yes/No
Yes/No