

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.16949 of 2017.

Date of Decision: August 01, 2017

Vanshika

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.R.K.Arora, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is an aspirant for admission in the MBBS/BDS Course for the session-2017 in the State of Punjab. She applied in sports category and vide the impugned order dated 20.07.2017, the petitioner has been declared ineligible on the ground that her sports achievements were not during the period of XI & XII (10+1 & 10+2) classes.

[2] The respondent-Baba Farid University of Health Sciences in its Prospectus for admission to MBBS/BDS Courses for the session-2017 has categorically provided that:- **“Sports person (Credit shall be given only for the sports achievements made during classes 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...”**

[3] The petitioner has been granted Gradation-B certificate for her achievements in sports which were admittedly before XI and XII classes. It does appear from the certificates on record that the petitioner continued to play during 10+1 and 10+2 classes also but there her achievement is only

'participation' in the sports activities. Gradation-B has been granted to her being a member of the winner team for an achievement which was admittedly before her 10+1 class.

[4] Knowing fully well that in terms of the eligibility conditions published in the Prospectus she will not be eligible for admission against sports category, the petitioner remained silent and did not question the above-reproduced clause till she has been formally held ineligible.

[5] Learned counsel for the petitioner submits that in view of the general instruction No.16 given in the Prospectus saying that in the event of any discrepancy between the Government notification and the University Instructions contained in the Prospectus, the Government notification shall have over-riding effect and in this view of the matter, the petitioner is entitled to seek eligibility in terms of the Punjab Government Instructions dated 10.12.1997 (P-3). According to him, the eligibility for the purpose of admission in sports category has to be determined as per para No.4(6) of these Government Instructions which reads as under:-

“4. For certification, Sports Department Punjab only considered the cases who fulfill the following requisites:-

xx xx xx xx xx

(6) In the matter of rating inter se, the preference in the same grade will be given in the following descending order:-

(i) Winner

(ii) Runner Up

(iii) Third position holder (iv) Number of Participation.

Regarding Senior and Junior Tournaments/Championship Senior shall have precedence over Junior in the same performance i.e. for example Gold Medalist in Senior category shall have precedence over Gold Medalist in Junior Category and Gold medalist in Junior Category over Silver Medalist in Senior Category and so on which implies that participation in grade 'B' Category in the same

orders of medalists, if after considering the performance criterias mentioned above, the candidate having higher marks obtained in the examination which is considered for admission will decide the seniority from highest to lowest marks obtained by the candidate.....”

[6] We, however, do not find any merit in the contention. The Government Instructions dated 10.12.1997 are for the purpose of issuing sports gradation certificate and the above-reproduced paragraph merely provides that the achievement in Senior Championship/Tournament shall have precedence over the achievements of Junior Championship/Tournament. That is not the case here. The petitioner as well as other candidates seeking admission in sports category all have played Junior Championships only. The above-reproduced paragraph does not and cannot be construed to say that there is any further classification amongst the participants of the Junior Championships.

[7] In any case, the eligibility has to be determined on the basis of the conditions prescribed in the Prospectus where it expressly lays down that grading in sports achievements shall be accepted only when such achievements are made during Classes XI and XII.

[8] The above-stated eligibility condition has not been prescribed by the University all of sudden. We are informed that during previous years also such a condition was prescribed.

[9] Faced with this, learned counsel for the petitioner contends that the above-stated condition itself is arbitrary and irrational. We do not find any substance in this contention as well. The object behind prescription of such condition is to give preference to those candidates only who pursue their academic career alongwith sports activities. Since admission is being

granted on the basis of achievements in sports, the purpose of the clause is to induct actual sports persons who might represent the Institutes in sports activities where they will get admission. It is not a reward for single achievement in life. It is a benefit given to a candidate who is a consistent sports person and plays on regular basis. That being the object, it cannot be said to be lacking any rationality.

[10] No case to interfere with the impugned action is made out.

[11] Dismissed.

[SURYA KANT]
JUDGE

August 01, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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