

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

CWP No. 18879 of 2017 (O&M)

Date of Decision: 27.11.2017

Neeraj

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kuldeep Sheoran, Advocate,
for the applicant-petitioner.

Mr. R.K. Doon, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

CM No. 16291-CWP-2017

By this application, the applicant-petitioner seeks to place on record certain documents as Annexure P-8 (colly).

The application is allowed and the aforesaid documents are taken on record as Annexure P-8 (colly).

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By this petition, the petitioner is seeking that she be also called for an interview for the post of a Staff Nurse, pursuant to her having cleared the written examination in the category of Outstanding Sports Persons, with the advertisement having been issued on 19.06.2015, a copy of which has been annexed as Annexure P-1 with the petition).

It is contended that the only reason that the petitioner has not been called for an interview is that the certificate issued to her by the Department of

Sports and Youth Affairs, Haryana, grading her achievements in the sport of '*Kabaddi*' as 'C-I', was issued on 27.03.2017, whereas the cut off date as per the corrigendum to the advertisement Annexure P-1, was 15.11.2015, with the corrigendum having been issued on 25.10.2016.

Learned counsel for the petitioner had been directed, on the last date of hearing, to show from the policy of the State Government, that the certificate issued to the petitioner was in terms of the State Governments' policy, giving preference to Outstanding Sports Persons (OSP), while seeking admission to various courses and seeking employment in Government (within the 3% quota fixed for the purpose).

Today, learned counsel for the petitioner has produced in Court, instructions issued by the Chief Secretary to the Government of Haryana on 13.11.1993, a perusal of which shows that as regards the petitioners' achievements, she has been correctly graded as a C-I category sportswoman, as would be seen from a perusal of clause 5 (b) of the aforesaid policy, which, in turn, refers to sub clause (iv) 'a' of clause 4 of the policy.

A perusal of the certificates of participation/merit issued to the petitioner, copies of which have been annexed as Annexure P-8 (colly.), shows that she participated in tournaments in the year 2013-14, which is well before the cut off date fixed by the respondent-Commission.

Therefore, in the opinion of this Court, the certificates of participation/merit are found to be falling within the ambit of the policy of the State Government referred to above (30.11.1993) and therefore, simply issuance of a Gradation Certificate at a later point by the competent authority, would not stand in her way, she having participated in the tournaments concerned well before the cut off date, as already noticed.

Consequently, this petition is allowed to the extent that upon the petitioners' sports achievement certificates being found to be genuine and within the ambit of the sports policy favouring outstanding sports persons, the issuance of the certificate grading her as a C-I category sportswoman on a later date, i.e. after the cut off date stipulated in the corrigendum to the advertisement Annexure P-1, would not be a bar on considering her for appointment to the post in question, in the ongoing selection process.

Hence, upon the petitioner appearing before the Commission for scrutiny for her documents, the documents being found in order, she would be interviewed and thereafter considered for appointment to the post in question, on merit.

November 27, 2017
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes