

CWP No. 11675 of 1998

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

**CWP No. 11675 of 1998
Date of Decision: 10.12.2018**

Shamsher Singh

...Petitioner

Vs.

State of Haryana and others

...Respondents

CWP No. 7267 of 1999

Vinod Kumar

...Petitioner

Vs.

The State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sanjeev Gupta, Advocate
for the petitioner in CWP No. 7267 of 1999

Mr. Harish Nain, AAG Haryana.

Mr. Bikramjit Singh Patwalia, Advocate
for respondent Nos. 4 & 5 (Jagbir Singh and Nar Singh)

RAJIV NARAIN RAINA, J. (Oral)

1. I have heard Mr. Nain for the State and Mr. Patwalia for the
contesting respondent Nos. 4 & 5 and have perused the record with their
assistant. Both the petitions are decided by a common order.

2. By way of this petition challenge was made to the selection
and appointment of the respondent Nos. 4 & 5 as Probationer Assistant
Sub Inspectors of Police from the sports quota. The petitioner was
serving as a Sub-Inspector on *ad hoc* basis in Punjab Armed Police and

wished to join the Haryana Police on the lower post of Assistant Sub Inspector. In paragraph 9 of the petition, the petitioner gives reason to migrate pleading that he was serving on a temporary/ad hoc basis as Sub Inspector but is not well versant with Punjabi language and his chances of further promotion in Punjab Police are meagre as knowledge of Punjabi is compulsory in all offices of the Punjab Government.

3. He claims to be a wrestler of international repute. The specific plea raised in assailing the appointments of the private respondents is that they were given relaxation in age and in academic qualifications from the sports quota.

4. The State has filed a reply contesting the case in which the achievements of respondent No.4 Jagbir Singh have been mentioned. The petitioner who is also a wrestler says that he had defeated Jagbir Singh in a match. State does not dispute that the petitioner is a graduate and Jagbir Singh a matriculate. In the physical test respondent Nos. 4 & 5 performed better than the petitioner running the 100 and 800 meters race faster while respondent Nar Singh was better than the petitioner in long jump. In the high jump they all achieved the basic 04 ft mark.

5. The private respondents have also filed a separate reply to support their selection from the Outstanding Sports Persons (OSP) category. Nar Singh says he joined Haryana Police as a Constable in the year 1993. Before joining, he had served in the Indian Air Force from 1988 to 1993. While in the Air Force, Nar Singh had taken part in

various national and international competitions as an equestrian.

6. Respondent No.4 Jagbir Singh participated in numerous national and other championships and in international events such as South Asian Games at Dhaka (Bangladesh) in December 1973 where he secured a gold medal. He was also serving as a Constable in Haryana Police. His achievements have been shown in paragraph No. 4 of the joint written statement filed by the private respondents.

7. I have gone through the comparative achievements of all the three. The grounds set up in the petition to assail the appointments of respondent Nos. 4 & 5 are too weak and not tenable or worthy of any serious consideration. Merely possessing higher educational qualifications are of no instance to the petitioner in the search for outstanding sports person to serve in a uniformed force. In fact this ground of challenge has already been repelled and is covered by the decision of this Court in **CWP No. 14406 of 1996 in Nar Singh Vs. State of Haryana and others** in the case of Nar Singh himself who is respondent No.5 in this petition. He had approached this Court against the decision of the State Government denying him relaxation and to falsify the claim of the State he cited examples in other similar cases and the existing policies of the Haryana Government where relaxation of educational qualifications and age was granted in making appointments under the OSP quota. The operative part of the judgment and order dated 04.03.1997 allowing the writ is reproduced below:

“Consequently we dispose of the writ petition with the following directions:

(i) The respondent-Government shall take a decision within two months on the issue of making recruitment against the vacancies earmarked for sportsmen in terms of the guidelines contained in Annexure P.13.

(ii) Unless the Government decides not to make recruitment against the posts earmarked for sports persons and such decision is founded on good reasons, the vacancies meant for sports persons shall be advertised/notified and the candidature of the petitioner and all other eligible person shall be considered by the competent authority before making appointment against the reserved vacancies.

(iii) The issue of granting relaxation in the educational qualifications of the petitioner shall also be considered and decided in the light of similar relaxations granted in the past.

(iv) In case the petitioner is found suitable for appointment as Assistant Sub Inspector then he should be given such appointment with all consequential benefits.

This exercise shall be completed by the respondents within six months of the receipt of the certified copy of this order.”

8. I am informed that as a result of these directions of the Division Bench, a policy was framed and relaxation accorded to Nar Singh by invoking Rule 12.6 of the Punjab Police Rules, 1934 by the then Director General of Police, Haryana. This is how he was appointed

to service

9. The second ground of challenge is based on sports achievements. This is a matter best left to the experts in the police department to suit their special needs of service and how best to operate the OSP quota to its advantage. No other ground has been taken or pressed in the petition. I have no reason to tinker with the selection in the face of long settled rights of the private respondents. Besides, their selection and appointments were made in the year 1997 and after lapse of two decades, not only no life remains in these cases but it would be wholly unfair and inequitable to pry open the appointments. I am sure the petitioner must have brushed up his Punjabi by now, in case he still serves the Punjab Armed Police.

10. The petitions are accordingly dismissed.

(RAJIV NARAIN RAINA)
JUDGE

10.12.2018

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*