

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

Date of decision: 14.12.2018

CWP No.4182 of 2018 (O&M)

1.

Brij Pal

...Petitioner

Versus

State of Haryana and others

...Respondents

2.

CWP No.4662 of 2018 (O&M)

Deepak Kumar

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.K. Nehra, Advocate,
for the petitioner (in CWP No.4182 of 2018).

Mr. Vijay Pal, Advocate,
for the petitioner (in CWP No.4662 of 2018).

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Ritu Bahri, J.

This judgment shall dispose of CWP No.4182 of 2018 and 4662 of 2018 together as common questions of law and facts are involved in both the petitions. For reference, facts are being taken from CWP No.4182 of 2018.

Petitioners are seeking direction to the respondents to consider them for the post of Heavy Vehicle Driver in the category of Outstanding

Sports Person (General), pursuant to the advertisement dated 18.05.2017 (Annexure P-1).

Notice of motion was issued in CWP No.4182 of 2018 on 21.02.2018 and the respondents were directed to interview the petitioner provisionally and his result was not to be pronounced till further orders.

Case set up by petitioner-Brij Pal is that he had not furnished the gradation certificate while submitting his application form. The achievements of the petitioner in sports relate to the year 2003. As per terms of the advertisement (Annexure P-1), a candidate in his category was required to produce the gradation certificate only at the time of interview. Petitioner obtained the said certificate on 23.01.2018 (Annexure P-5).

Learned State counsel has vehemently argued that as per conditions of the advertisement (Annexure P-1), sports gradation certificate, issued by the competent authority, was to be uploaded along with the application form. He has further argued that it was the original certificate, which is to be produced at the time of interview. However, this will not delete the condition that at the time of submission of application form, Sports Gradation Certificate was not to be attached.

This aspect has been considered by this Court in **Neeraj vs. State of Haryana and others**, CWP No.18879 of 2017 (decided on 27.11.2017). In that case, selections were to be made for the post of Staff Nurse. Gradation Certificate issued to the petitioner (in that case) showed that she had participated in tournaments in the year 2013-14, which was well before the cut off date fixed by the respondent-Commission. This Court observed that the certificate was within the ambit of the policy dated 30.11.1993 of the State Government and simply because the Gradation Certificate was

issued by the competent authority at a later point of time, would not stand in the way of the candidate for participating under the category of Outstanding Sports Person. Ultimately, the above said petition was allowed to the extent that upon her 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 C-I category sportswoman on a later date i.e. after the cut off date stipulated in the corrigendum to the advertisement, would not be a bar on considering her for appointment to the post in question.

Learned counsel for the petitioner(s) has informed that the judgment passed in Neeraj's case (supra) has been followed in the case of Sandeep vs. State of Haryana and others, CWP No.4920 of 2018 (decided on 11.05.2018 and LPA against the said judgment has also been dismissed. Subsequently, the said judgment has been followed in the selection process for the post of Heavy Vehicle Driver, which is the present selection process.

Keeping in view the above judgments passed in Neeraj & Sandeep's cases (supra), the present petitions i.e. CWP No.4182 of 2018 & CWP No.4662 of 2018 are allowed. The respondents are directed to consider the petitioner(s) as eligible under the Outstanding Sports Persons category and declare their result.

14.12.2018
ajp

(RITU BAHRI)
JUDGE

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