

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

**CWP No.7258 of 2019 (O&M)
Date of Decision.04.07.2019**

Suman Rani and others ...Petitioners
Vs
State of Haryana and others ..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Jasbir Mor, Advocate
for the petitioners.

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

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AMIT RAWAL J. (ORAL)

C.M. No.9153 of 2019

Application for impleading proposed applicants as
respondents No.6 to 9 is dismissed as having become infructuous.

CWP No.7258 of 2019

This Court heard this matter from 10.05 AM to 10.45AM
wherein prayer has been made for issuance of Sports Gradation
Certificate.

Petitioners five in number have not placed on record
sports certificates showing their participation in the State Tournament
except petitioner No.4, Kiranpal Kaur, who secured third position.
Rest of certificates qua petitioners No.1 to 3 and 5 do not make them
eligible for issuance of gradation certificate in the absence of any
position.

At this stage, Mr. Jasbir Mor, learned counsel appearing
on behalf of petitioners submitted that it is elementary that in case, a
sports person secures 1st to 3rd position in District Tournament,
becomes eligible to participate in the State Tournament.

This Court while going through contents of writ petition confronted Mr. Mor regarding any averment or any nexus with regard to certificates at district level.

At this stage, Mr. Mor seeks withdrawal of writ petition with regard to petitioners No.1 to 3 and 5 with liberty to file fresh one with better and more particulars.

The writ petitions qua petitioners No.1 to 3 and 5 is dismissed as withdrawn with liberty aforementioned, subject to payment of costs of ₹10,000/- to be paid to Bar Association of this Court, as this Court heard arguments for almost 45 minutes whereas the above-mentioned request was made at fag end of case.

As regards petitioner No.4, grievance of petitioner is that in pursuance of advertisement dated 25.08.2018 for filling up posts of Group D, petitioner applied under ESP SC Category and cleared interview/viva voce, which fact is evident from Annexure P-7. Petitioners have not been issued appointment letters, in view of condition i.e. condition No.9 of the advertisement whereby eligible sports persons were required to upload Sports Gradation Certificates as per Government instructions duly issued by the competent authority.

Representation dated 11.03.2019 (Annexure P-8 colly) was submitted to District Sports Officer, Sirsa for issuance of Sports Gradation Certificate but no action has been taken. Attention of this Court was drawn to Policy dated 30.11.1993 (Annexure P-9) wherein persons, who have played at State level, as per Clause 4 of policy *ibid*, are liable to be issued a certificate.

Petitioner No.4 fulfills eligibility condition for issuance of Sports Gradation Certificate as per Clause 4 (vi) of Policy dated 30.11.1993.

It was next contended that the State Government/concerned Department basically adopted new Notification dated 25.05.2018 (Annexure P-10), which has been issued in supersession of previous instructions. There is no recognition of State participation. Since the petitioner No.4 had participated in the Tournament held from 16.02.2018 to 17.02.2018, at the relevant time, Policy of 1993 was in vogue and not policy of 2018 (Annexure P-10), thus, it was mandatory for authorities to take a decision, thereon.

Per contra, Mr. Hitesh Pandit, Addl. A.G., Haryana does not deny receipt of representation from petitioner No.4 but submits that case of petitioner No.4 is not covered under 1993 Policy but would fall under Policy of 2018. As per Clause 3, there is no definition of inter-college. It is only State School Championships/ Tournament, University Championships and other State level championships, thus, in these circumstances, Clause 4 (vi) of 1993 Policy would not come to rescue of petitioner No.4. Even otherwise, advertisement was issued on 25.08.2018 and at that point of time, Policy dated 25.05.2018 was in vogue, thus, petitioner No.4 is not entitled to issuance of any Sports Gradation Certificate.

I have heard learned counsel for parties, appraised paper book and of the view that argument of Mr. Hitesh Pandit qua applicability of new Policy must fail, for, tournament for which

petitioner No.4 has played was held from 16.02.2018 to 17.02.2018 and at that time, 1993 policy was in vogue. Clause 3 of Policy of 1993 defines reservation for outstanding player on having participated in games at International, National, State Level Competitions and District Level Competitions. It would be apt to reproduce Clause 3-C describing various championships under State Level Competitions as well as Clause 4 (vi) dealing with Gradation Certificate:-

3-C STATE LEVEL COMPETITIONS			
1	State Sports Festival	Olympic & Non-Olympic	Organized by Haryana Olympic Association.
2	State Championships	-do-	Organized by State Association of the concerned game, affiliated to the Hayana Olympic Association of National Federation of the concerned game which in turn should have been affiliated to the 10A or International Federation of the concerned game.
3	State School Championships/tournament	-do-	Organized by Education Deptt. Sports Department of the State Govt.
4	University Championships	-do-	Organized by University Sports Control Board.
5	State Panchayat Tournaments	-do-	Organized by Panchayat Deptt. Sports Department, Haryana.
6	State Rural tournaments	-do-	Organised by Sports Deptt. Haryana.
7	State Sports Women Festival	-do-	Organised by Sports Deptt. Haryana.
8	State Level Industrial Training Institutions competitions	-do-	Organised by Deptt. Of Industrial Training Haryana.

4. Grading of Certificates

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(vi) a) Winners of the 1st three positions in University championship (Inter-College), State Panchayat

tournaments, State Rural tournaments, State Festival, State Inter Akhara, State Inter Centre competitions (organized by Sport Deptt. Haryana) and other State level competitions in which 8 Districts have participated would be graded as C-II.”

In the entire Clause 3-C, there is no mention of Inter-College Tournament but for the purpose of Sports Gradation Certificate under sub-clause (vi) of Clause 4, it has been mentioned that winners of first three positions in University championships (Inter-College), would be entitled to Sports Gradation Certificate C-II.

In this view of the matter, I am of considered opinion that Department should pragmatically consider request of petitioner No.4 for issuance of Sports Gradation Certificate in terms of Policy of 1993 and not 2018 Policy.

Let decision in this regard be taken by respondent authorities within a period of three weeks from the date of receipt of certified copy of this order, failing which District Sports and Youth Officer, Sirsa shall be liable to pay costs of ₹50,000/- to the petitioner. This condition of imposing costs is only to prevent petitioner to run from pillar to post and avail remedy of contempt in case of non-compliance of directions issued by this Court.

Writ petition stands disposed of in above terms.

(AMIT RAWAL)
JUDGE

July 04, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No