

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 11471 of 2019

Date of decision :03.05.2019

Ravi Sharma

...Petitioner(s)

versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Loveneet Thakur, Advocate for the petitioner.

RITU BAHRI, J. (Oral)

The petitioner is seeking quashing of the notice dated 18.04.2019 (Annexure P-4) whereby candidates have been called for interview for the post of Forester in the Forest and Wild Life Department, on the ground that candidates of outstanding sports person (OSP) category should have been called as per gradation certificate issued by competent authority and not on the basis of marks obtained by them in written examination.

Learned counsel for the petitioner while referring to notice dated 18.04.2019 (Annexure P-4), states that under the OSP-BCA category there were two posts and four candidates have been called for interview and the last candidate called for interview has secured 94 marks.

Learned counsel for the petitioner refers to the instructions issued by Chief Secretary, Govt. of Haryana for outstanding sports persons whereby 2% of the seats in technical/medical institution in the State should be reserved for technical and medical institute provided that they possess the minimum educational qualification prescribed for admission to such institution. These instructions have been issued again on 23/24th September, 1967. The petitioner cannot get benefit of these instructions as at the initial stage all the candidates are required to give written examination and marks of written examination are made basis for interview. It is at the stage of

interview, the gradation certificate has to be taken into account and this aspect has been considered by this Court in **CWP-24287-2017 Naveen V/s. State of Haryana** 2018(2) S.C.T. 216. The petitioner in this case was seeking direction that outstanding sports person should be simply called for interview and they should be selected on the basis of gradation certificate. While dismissing this writ petition, it has been observed that the criteria framed by the Selection Commission cannot be interfered with and candidates have to qualify the written examination and as per the merit, they have to be called for interview and no selection can be made only on the basis of sports gradation certificate. The relevant portion of the judgment is as under:-

A similar issue came up before this Court in CWP No. 25157 of 2014, Ranbir Singh vs. State of Haryana and others wherein, a plea had been taken by the State that on account of higher gradation certificates, the candidates had been selected. The petitioner in that case had not been selected against the 12 advertised posts of Forest Guards. The said defence was not accepted by holding that the sports policy never mentioned that academic merit is to be given a go-bye and preference is only to be given on the grading based certificates. The reasoning is as under:-

“After hearing counsel for the parties, this Court is of the opinion that the criteria which has been applied by the respondents to the detriment of the petitioner was without any basis. Admittedly as per advertisement itself for the recruitment of Sports Persons, the selection is to be made as per the sports policy of Haryana Government as reproduced above. Nothing could be pointed out from the policy dated 30.11.1993 (Annexure R/3) that selection as such was not to proceed on merit which had been fixed as per recruitment notice dated 2.12.2013 (Annexure P/3). Annexure R/3 only provides criteria of the grading of certificates of outstanding sports persons who

have played from the international level to the district level.

In the said instructions it has not been mentioned that the academic merit as such is to be given a go by and preference is only to the grading based certificate.

Reliance upon Annexures R/1 and R/2 would be of no avail to the State which are regarding the procedure to be followed by the Union of India and as per the advertisement the policy of the State was applicable. Therefore, as per advertisement itself, it is the policy of the State which is to prevail.

*Counsel for the State has brought to the notice of the Court the Division Bench judgment in **Ranbir Singh Vs. Thapar Institute of Engineering & Technology, Patiala and another 1988 AIR (Punjab) 51** whereby it was held that the merit list prepared by the College is to govern rather than the ranking in the sports.*

The relevant para nos. 5 to 8 read as under:-

“5. The question that arises for determination is whether the petitioner is entitled to be admitted to the College in preference to respondent No. 2, on the ground that he possesses higher grade sports certificate, though he ranks lower than the latter in the merit list prepared by the College after giving weightage to them on account of the Sports Certificates.

6. In order to determine the question, it is relevant to read the clause by which weightage is given to candidates holding Sports Certificates for admission in the College against the vacancies reserved for sportsmen. It is as follows ;

"2% seats are reserved for outstanding sportsmen possessing sports gradation certificates A, B, C & D issued by the Department of Sports, Punjab. For purposes of determining the inter se merit of the candidates weightage of 10%, 5%, 3% and 2% marks for A, B, C & D grades respectively would be added to the normalized qualifying marks obtained by the candidates."

In view of the ratio of the above said judgment, this petition is

dismissed.

03.05.2019
Divyanshi

(RITU BAHRI)
JUDGE

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