

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

**CWP No.16815 of 2019 (O&M)
Date of Decision.05.07.2019**

Salim

...Petitioner

Vs

State of Haryana and others

..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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

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AMIT RAWAL J. (ORAL)

Prayer in the writ petition is for issuance of writ in the nature of mandamus for issuance of Sports Gradation Certificate as petitioner had participated in Haryana Senior Athletics Championship Men and Women organized by Haryana Athletics Association at Bahadurgarh, which is affiliated to Haryana Olympic Association from 31.07.2014 to 1.8.2014 and obtained second position in 100 mtr race.

Mr. Jasbir Mor, learned counsel appearing on behalf of petitioner submitted that advertisement No.4/2018 dated 25.08.2018 issued by Haryana Staff Selection Commission, Panchkula, 18218 posts of Group 'D' for different Departments of State of Haryana were advertised and last date for submission of online applications was 18.09.2018. Petitioner was appointed on the post of Peon on 19.01.2019 and vide letter dated 25.01.2019, appointment letter was issued to him but owing to non-issuance of Sports Gradation Certificate has not been able to join. As per letters dated 25.02.2019

(Annexure P-11) issued by Director, Department of Agriculture and Farmers Welfare, Bhiwani, petitioner has been called upon to provide Sports Gradation Certificate issued by the competent authority. Petitioner had submitted application dated 2.9.2018 to District Sports Officer, Bhiwani, as the concerned officer at Charkhi Dadri was not available for issuance of Gradation Certificate. Reminders vide Annexure P-12 and P-13 were also given but no action has been taken so far.

He further submitted that case of petitioner is squarely covered as per Policy of 1993 as well as 2018 Policy as he is entitled to Gradation Certificate D as per Serial No.13 of Categories of Tournaments mentioned in Clause 5 of 2018 Policy.

Notice of motion.

Ms. Palika Monga, DAG, Haryana accepts notice for respondents. Learned counsel for petitioner shall supply requisite number of copies of complete paper book to the State counsel during course of day, if not supplied already.

Ms. Monga submits that petitioner had only submitted application in September, 2018 without annexing certain documents de hors of the fact of issuance of letter by Department. Such cavalier attitude on part of petitioner cannot go unnoticed, thus, urges this Court for dismissal of writ petition.

I have heard learned counsel for parties, appraised paper book and of view that it is fit case where Sports Gradation Certificate is required to be issued to petitioner, as petitioner is falling in Category No.13 of 2018 policy, which reads as under:-

13	<i>State Games/State Women Sports/State School/State Rural & Panchayats/State Inter-University</i>	<i>Haryana State Association recognized by the concerned National Federation affiliated to IOA/Department of Sports & Youth Affairs (Haryana).</i>
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Sports Certificate (Annexure P-3) reflects that petitioner had obtained 2nd position in 100 mtr race in tournament organized by Haryana Athletics Association affiliated to Haryana Olympic Association conducted at Bahadurgarh from 31st July, 2014 to 1st August, 2014, therefore, case of petitioner would also be covered under 1993 Policy under Clause 3-C whereby State Level Competitions i.e. State Sports Festival organized by Haryana Olympic Association has been recognized.

Let exercise of issuance of Sports Gradation Certificate Grade 'C-1' under 1993 Policy or Grade 'D' under 2018 Policy, whichever grade petitioner is entitled to, after affording opportunity to petitioner explain his entitlement, be undertaken by District Sports Officer, Bhiwani within a period of three weeks from the date of receipt of certified copy of this order, failing which District Sports and Youth Affairs Officer, Bhiwani 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 05, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No