

Sr. No.125

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

CWP No.17243 of 2019 (O&M)

Date of Decision: 04.07.2019

Sahil Goyal

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Mahir Sood, Advocate,
for the petitioner.

Ms. Anu Chatrath, Senior Advocate with
Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J.(ORAL)

Reply by way of affidavit on behalf of respondent No.2
has been filed in Court which is taken on record.

2. Vide advertisement dated 28.01.2019 read with later
advertisement dated 07.02.2019 (Annexure P-6), 90 posts of 'Senior
Assistants' were advertised by the Department of Cooperation,
Government of Punjab to be recruited in different departments.

3. Pursuant thereto, the petitioner applied in the Sports
Category. The relevant clause of the eligible Sports Person
applying in the said Category is reproduced hereinbelow:-

15.4 Sports Person (Punjab)

*A candidate can claim reservation under the Sports
Person category only if:*

15.4.1 He/She belongs to State of Punjab and

a) He/She has won National Championship in team or individual events while representing the State of Punjab in such sports events as have been conducted by such respective National Federations as are affiliated to the India Olympic Association: or

b) He/She has won National Championship in team or individual events which are organized by the Indian Olympic Association: or

c) He/She has won first, second or third position in team or individual events and/or he has won Gold or Silver or Bronze Medal at the International Sports meets conducted by International Federations affiliated to the International Olympic Committee itself.

15.4.2 If candidate belongs to Sports Person, Punjab Category, an attested copy of Gradation Certificate strictly in accordance with the Punjab Sportsman Rules, 1988 issued by the competent authority should be attached with the application form.

15.4.3. Director Sports, Punjab is the competent authority to issue Sports Gradation Certificate and any other Sports Certificate issued by any other authority will not be accepted as a valid certificate for claim of reservation under the Sports Person, Punjab Category.

15.4.4 Applicants claiming reservation under Sports Person, Punjab Category must submit Punjab Resident Certificate from the competent authority, failing which

would result in cancellation of their candidature.

4. A perusal of the above reflects that a person in order to avail the benefit of reservation in Sports Category shall be considered only if ;

- i) He/she belongs to Punjab;
- ii) He/she has one National Championship while representing the State of Punjab and/or;
- iii) He/she has one first, second or third position and/or has one gold/silver or bronze medal at international sports meet.

Provided the participation/position/medal certificate has been duly attested and graded by the Director, Sports Government of Punjab.

5. The above clause clearly states that any other certificate which is not graded/certified will not be accepted as a valid certificate for claim of reservation under the Sports Category. In order to comply with the provisions of seeking gradation, the petitioner vide his application dated 11.02.2019 (Annexure P-7 (colly.) sought gradation certificate in respect of his participation in All India Inter Zonal League National Softball Championship (Annexure P-12) (colly.), wherein he has been certified as a winner. He requested that the gradation certificate is necessary for applying for job pursuant to the advertisement dated 28.01.2019 read with 07.02.2019 (Annexure P-6).

6. Despite the urgency and the pre-requisite of the gradation by the Director, till date the petitioner has neither been declined for being graded nor any gradation certificate has been

issued. On the other hand, respondent No.2-Punjab Public Service Commission has not given the benefit to the petitioner of having been certified as winner, in the absence of gradation by respondent No.3-Director, Department of Sports and Youth Services, Chandigarh.

7. Learned Senior counsel appearing for the respondents submits that advertisement itself makes it amply clear that unless a copy of gradation certificate strictly in accordance with Sportsman Rules, 1988 issued by the competent authority/Director is attached with the application form by a candidate, the benefit of his having won medal or having participated in National Championship cannot be accorded.

8. In the premise, I am of the view that since inaction on the part of respondent No.3 has led to a peculiar situation where neither the petitioner is being declined, for reasons known to respondent No.3 nor being granted the gradation certificate therefore, the same cannot act to the detriment of the petitioner.

9. Writ petition is disposed of with a direction to the respondents to consider the candidature of the petitioner provisionally on the basis of the certificate of his participation in All India Inter Zonal League National Softball Championship (Annexure P-12) subject to the same being verified/graded by the Director.

10. It is however, made clear that the provisional participation of the petitioner pursuant to this order shall not create any equity in his favour in case respondent No.3 after due

verification finds that petitioner is not entitled to issuance of a gradation certificate on the basis of his participation in All India Inter Zonal League National Softball Championship for having failed to meet the requirement of advertisement read with 1988 Rules, *ibid*.

- 11. Disposed of in above terms.
- 12. A copy of this order be given under the signatures of the Bench Secretary.

04.07.2019

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No