

**Sr. No.126
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.17495 of 2019 (O&M)

Date of Decision: 04.07.2019

Sunita Rani

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. P.K.Goklaney, Advocate,
for the petitioner.

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

ARUN MONGA, J.(ORAL)

1. Vide advertisement dated 28.01.2019 (Annexure P-1) read with later advertisement dated 13.02.2019 (Annexure P-2), 90 posts of 'Senior Assistants' were advertised by Punjab Public Service Commission, to be recruited in different departments, Government of Punjab.

2. 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.

3. 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.

4. Learned counsel for the petitioner submits that the petitioner has been denied the benefit of gradation certificate dated 10.05.2019 (Annexure P-25) wherein she has been graded in Category C having represented her school at State level in the sports of Chess.

5. He further submits that gradation certificate was submitted to respondent No.4 on 14.05.2019 after the cut off date. There was thus no occasion for the Commission to verify the same. He submits that due to delayed filing of gradation certificate, the petitioner is not being given the benefit of her participation at the State Level Championship in chess for no fault of hers. She had applied for gradation with the competent authority/Director much prior to the publication of the advertisement.

6. On advance service of the petition, Ms. Anu Chatrath, Additional A.G., Punjab appears and submits that the contentions of learned counsel for the petitioner are factually incorrect. She

submits that she had talked the officials of respondent No.4-Commission and who have apprised her that the certificate of gradation though was submitted after the cut off date but yet it has been duly considered. After consideration, it has been found that the petitioner cannot be accorded the benefit of any of the categories as per the advertisement read with Punjab Recruitment of Sportsmen Rules, 1988.

7. Having perused the said certificate, I am in agreement with the submissions of learned Senior counsel. A perusal of the certificate reflects that the petitioner has played the game of chess at State Level where she represented her district. Though at the State level, she was declared winner but that does not meet the pre requisite of being a winner at national level as envisaged in the advertisement.

8. Confronted with the situation, learned counsel for the petitioner submits that respondent No.4-Commission has neither intimated the petitioner any reasons of her being declared ineligible nor even otherwise any order has been passed denying her benefit of gradation certificate.

9. Be that as it may, I am prima facie of the view that petitioner has since not played at the national level nor been declared winner at national level nor has won any medal at national level as envisaged in the advertisement and therefore, cannot claim the benefit of gradation certificate which has been issued on the basis of her having won State level championship.

11. Writ petition is disposed of with liberty to the petitioner

to challenge her rejection in appropriate proceedings, if so advised.

10. It is expected of respondent No.4-Commission to give a written communication to the petitioner giving reasons of her not being considered eligible on the basis of gradation certificate submitted by her. Let the needful be done within a period of two weeks from the date of receipt of a certified copy of this order.

12. Disposed of in above terms.

04.07.2019
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No