

CWP-17635-2019

144

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

CWP-17635-2019

Date of decision : 04.07.2019

Pratap Singh

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

AMIT RAWAL, J. (ORAL)

Notice of motion.

On asking of the Court, Ms. Palika Monga, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent(s)/State.

Prayer in the present writ petition under Articles 226/227 of the Constitution of India for issuance of *mandamus* writ directing respondent Nos.3 & 4 to issue Sports Gradation Certificate on account of his achievement in Sports of Taekwondo, Washu, Throwball and Karate. The petitioner is stated to have participated in many games/events at the State as well as National Level and won Gold Medal in 14th Haryana State Wushu Championship 2008-09 held on 30-31th March 2009 at Faridabad and also got Second position in 8th National Taekwondo Championship 2009, held from May 15 to 17, 2009 at Rohtak. He also won Gold Medal in Invitational Open Haryana State Tae-Kwondo Championship, held on 29.11.2009 at Balaji Public School, Ballabgarh, Faridabad and Silver

CWP-17635-2019

Medal, having Second position in District Karate Championship-2010, held on 02.05.2010 at Sector 55, Community Centre, Faridabad. Petitioner, in pursuance to advertisement published for filling upon the posts of Group-D, had applied under the Eligible Sports Persons (ESP) in the Scheduled Caste Category by giving date of issuance of certificate as 25.10.2010, was selected under ESP General Category. As per Annexure P-13, the petitioner has been allotted Animal Husbandry and Dairying Department and assigned District Faridabad. The petitioner has submitted Sports certificates and other educational documents, but for want of Sports Gradation Certificate, has not offered appointment letter. In this regard, he has submitted representation dated 15.06.2019 (Annexure P-14) to District Sports and Youth Affairs Officer, Faridabad (Haryana).

It was next contended that since the petitioner had participated and won the medals in the games/events, prior at the time when the policy dated 30.11.1993 was effective, there cannot be a ground for non-issuance of Sports Gradation Certificate, by relying upon the policy dated 25.05.2018 modified in the month of November 2018.

Learned State Counsel submitted that the case of the petitioner is covered under the new policy dated 25.05.2018, as modified in November 2018, as the advertisement is dated 25.08.2018, therefore, the petitioner cannot be permitted to take the benefit of 1993 policy.

I have heard learned counsel for parties, appraised the paper book and of view that since the petitioner has already participated in the games/events at District and National Level and won Gold and Silver medals and few achievements, the authority i.e. respondent Nos.3 and 4, in such circumstances, on receipt of representation, is required to consider the

CWP-17635-2019

case of the petitioner pragmatically for issuance of Sports Gradation Certificate in terms of policy dated 30.11.1993. *Prima facie*, the case of the petitioner is also covered under policy dated 25.05.2018 as the same was modified in November 2018 and the advertisement is dated 25.08.2018.

In this view of the matter, I am of the considered opinion that the writ petition is disposed of with direction to respondent No.4/District Sports and Youth Affairs Officer, Faridabad, to consider pragmatically the request of the petitioner for issuance of Sports Gradation Certificate in terms of policy dated 30.11.1993 and not of 2018 policy.

Let this exercise be done within a period of three weeks from the date of receipt of certified copy of this order, failing which, respondent No.4/District Sports and Youth Affairs Officer, Faridabad shall be liable to pay costs of ₹50,000/- to the petitioner. Condition of imposing of costs is only to prevent the petitioner to run from pillar to post and avail remedy of contempt petition, in case of non-compliance of the order.

04.07.2019

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**