

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

(1)

CWP No. 25575 of 2018 (O&M)

Date of Decision: 18.09.2019.

Sanjay

... Petitioner

Versus

State of Haryana and others

... Respondents

(2)

CWP No. 1690 of 2019 (O&M)

Parveen Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. S.S. Duhan, Advocate,
for the petitioner(s) in both the petitions.

Mr. Vikrant Pamboo, DAG Haryana.

JITENDRA CHAUHAN.J.(ORAL)

This judgment shall dispose of aforementioned two civil writ petitions as common questions of law and facts are involved therein.

The facts are being taken from CWP No. 25575 of 2018. The petitioner seeks direction to the respondents to renew Sport Gradation Certificate dated 13.02.2013 (Annexure P-2) issued by the respondents to the petitioner.

On the basis of achievements of the petitioner in securing 3rd position in North Zone in All India Inter-University, Kabbadi Championship held in the year 2000-01, the Deputy Director, Department of Sports and Youth Affairs, Haryana Panchkula issued Gradation Certificate dated 13.02.2013 (Annexure P-2) to the

petitioner in Grade “B”-II (Two). The renewal of the said Gradation Certificate (Annexure P-2) has been denied in view of the notification dated 22.05.2018 (Annexure R-1) whereby the Policy/notification dated 30.11.1993 (Annexure P-2) stands superseded. The Gradation Certificate is required by the petitioner to apply against the post reserved for Sports quota.

Paragraph No.6 of the notification which reads as under:-

“Sports Gradation Certificate:

A sportsperson is eligible for the following Sports Gradation Certificate Type as per following Table, subject to the conditions in Rules 6.1, 6.2 and 6.3. The best sports achievement claimed will be considered for issuing the sports gradation certificate.

Sports Gradation Certificate Type	Eligibility
Grade A	Participation in a tournament of Category 2 or above; Medal winner in a tournament of Category 7 or above (restricted to Sports discipline played in Olympics/Paralympics)
Grade B	Participation in a tournament of Category 7 or above; or Medal winner in a tournament of Category 9 or above.
Grade C	Participation in a tournament of Category 9 or above; or Medal winner in a tournament of category 11 or above (restricted to Sports discipline played in Olympics/Paralympics) or Medal winner in a tournament of Category 9 or above (other Sports disciplines)
Grade D	Participation in a tournament of Category 11 or above; or Medal winner in any listed category.

In the reply, no reasons have been given for re-fixing the gradation of the petitioner(s) except for the earlier notification dated 30.11.1993 (Annexure P-2) under which the petitioner(s) had been placed in Grade “B-II” stands superseded vide notification dated 25.05.2018 (Annexure R-1). The achievement of the petitioner and consequent issuance of the gradation of the petitioner(s) on the basis thereof by the respondent is not in question. There is no explanation or justifiable reason as to how the benefit which had accrued in favour of the petitioner as per the old instructions dated 30.11.1993 (Annexure P-2) can be denied to the petitioners. In the absence of explanation for exclusion of the petitioner(s), at this stage, the Court feels that the action of the State in denying the renewal of the gradation certificate cannot sustain the scrutiny of law. The action of the respondents has the impact of taking away the benefit which had accrued in favour of the petitioner(s) as per old instructions dated 03.11.1993 (Annexure P-2). Even, the petitioner(s) have not been heard in the matter.

In view of the above, the respondents are directed to grant the necessary gradation to the petitioner(s).

Both the writ petitions stand disposed of.

Photocopy of this order be placed on the file(s) of other connected case(s).

18.09.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

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