

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 22680 of 2019

1. Sima Kumari D/o Dinesh Prasad Gupta Resident of Mohalla- Balua Tal, Near Jai Mata Di Traders, P.s.- Motihari, Distt.- East Champaran
2. Raj Kumar Singh S/o Sri Ramchandra Singh Resident of Mohalla- New Rampur, Sai Chak, P.s.- Sultanganj, Distt.- Patna
3. Vijay Kumar S/o Late Antulal Sinha Resident of Mohalla- Naya tola, Shanti Printers, Rajan Complex, P.s.- Kadamkuan, Distt.- Patna
4. Bipin Kumar S/o Bijendra Prasad Resident of Mohalla- Kunti Medical hall, Kankarbagh, Main Road, P.s.- Kankarbagh, Distt.- Patna
5. Shilpi Sen D/o Sopan Sen Resident of Village- Simrahi Bazar, P.s.- Raghapur, Distt.- Supaul
6. Shaket Kumar S/o Sita Ram Singh Resident of Mohalla- Vijay Nagar, Hanuman Nagar, P.s.- kankarbagh, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna
3. The Director General, Bihar State Sports Authority, Bihar
4. The Secretary General, Administrative Department, Govt. of Bihar, Patna
5. The Secretary, Art, Culture and Youth Department, Govt. of Bihar, Patna
6. The Additional Secretary, General Administrative Department, Govt. of Bihar, Patna
7. The Joint Secretary, General Administrative Department, Govt. of Bihar, Patna
8. The Under Secretary, General Administrative Department, Govt. of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Ashok Kumar, Advocate
For the Respondent/s	:	Mr Anil Kumar, AC to SC VIII

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 17-02-2020

Heard learned counsel for the petitioners and the
respondent-State.



2 By the instant writ petition, the petitioners have sought quashing of the decision of the Selection Committee dated 25.08.2017. The case of the petitioners is that the said decision is contrary to the “Bihar Outstanding Sports Person Appointment Rules, 2014 (for brevity, *Rules of 2014*). The petitioners are aggrieved by the fact that though they are outstanding sports persons in the Game, namely, Soft Ball and have participated in several Soft Ball Games, they are deprived of their chance for appointment by being extended benefits, treating them as outstanding sports persons under the Rules of 2014.

3 The petitioners’ apprehended deprivation is based on decision of the Selection Committee dated 25.08.2017. The Respondent-Authorities, under the said decision, have considered only such persons eligible for being extended benefits under the Rules of 2014 who were outstanding sports persons in Games and Disciplines for which the respective Games Federations/Associations were affiliated with the Indian Olympic Organization; and for which sport, games were organized by National Game Federation, i e, National Senior Championship and National Junior Championship. It is the specific stand of the Respondent-Authorities that the petitioners’ game, namely, Soft Ball was not fulfilling the said 2 (two) requisite criteria which has



been laid down under the provisions contained in Rule 2 (v) and Rule 2 (vi) of the Rules of 2014. After laying down the criteria taken note of hereinabove, having universal application to all the sports persons within the State, the General Administration Department has earmarked 27 Games/Disciplines for extending benefit of appointment under the Rules of 2014. The detailed list of 27 Games/Disciplines have also been placed on record in paragraph 13 of the counter affidavit. The specific assertion of the State Authorities is that the National Association of Soft Ball Game is not affiliated with the Indian Olympic Association and, as such, was not entitled to be included within the games in respect of which sports persons were to be extended benefits under the Rules of 2014.

4 The said stand of the State is worthy of consideration. Decision of the Selection Committee dated 25.08.2017 lays down parameters for extending the benefits to Games/Disciplines. The discretion to specify the Games/Disciplines is under Notification contained in Rule 2 (v) and 2 (vi) of the Rules of 2014 itself. The decision lays down an intelligible criteria for including Games/Disciplines for being extended benefits under the Rules of 2014. The said procedure, as well as classification based on such procedure cannot be faulted, and does not require any interference.



5 The petitioners' counsel has submitted that the petitioners have participated in various National Level Games and that the Game of Soft Ball is duly recognized by the Government of India. Such submissions, will not create any right in favour of the petitioners since the recognition required for being extended benefits under the Rules of 2014 is from the Indian Olympic Association. The other requirement of the Game, being organized by the National Game Federation, i e, National Senior Championship and National Junior Championship are both requirements under the decision of the State Government.

6 It is not the petitioners' case that petitioners' game, namely, Soft Ball fulfills the two requisite requirements as per decision of the Selection Committee dated 25.08.2017. No case is made out for issuing any direction to appoint the petitioners under the Rules of 2014.

7 In the circumstance, the writ petition is devoid of substance and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.02.2020
Transmission Date	NA

