

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

CWP-18644-2020 (O&M)
Date of decision: 5.11.2020

Seeta Rani

... Petitioner (s)

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. R.S.Mamli, Advocate,
for the petitioner.

KARAMJIT SINGH, J.

The petitioner has filed this petition under Articles 226/227 of the Constitution of India with direction to declare the Sports Policy of May, 2018 and 15.11.2018 (Annexure P-12) framed by Haryana Government as ultra vires to the Constitution of India and not applicable to the petitioner who is already having Sports Gradation Certificate on the basis of the previous policy dated 30.11.1993 (Annexure P-11), with further direction to appoint the petitioner as Librarian, she being eligible sports person.

The case of the petitioner is that she is a football player and she participated in various tournaments. The copies of the sports certificates received by the petitioner are attached with the petition as Annexure P-6 (colly). On the basis of her achievements, she got B-1 certificate (Annexure P-9) from the Department of Sports and Youth Affairs, Haryana. When the petitioner got silver medal in All India Competition, she was given B-A certificate by the aforesaid department. Haryana Staff Selection Commission advertised 45 posts of Librarian vide advertisement dated

20.7.2019 (Annexure P-10). The petitioner applied for the said post under BCA category being Eligible Sports Person (ESP) on the basis of Sports Gradation Certificates issued to her by the Sports Department under the previous policy (Annexure P-11). The plea of the petitioner is that her case for appointment, be considered in the light of the Sports Policy dated 30.11.1993 (Annexure P-11) and not under the new sports policy of 2018, which has been challenged by her.

We have heard the counsel for the petitioner.

The counsel for the petitioner has argued that the petitioner had participated in different tournaments at various levels during the period when the sports policy dated 30.11.1993 (Annexure P-11) was in force and accordingly, the Sports Gradation Certificates were issued to her by the Sports Department under the said policy. It is further contended that on the basis of the said Sports Gradation Certificates, the petitioner is eligible for the post of Librarian under the sports quota meant for backward class category. It is further contended that the case of the petitioner should be dealt under the old sports policy (Annexure P-11) and not under new policy of 2018 (Annexure P-12), which is under challenge.

Counsel for the petitioner further argued that the new policy (Annexure P-12) framed by Haryana Government is violative of Articles 14 and 16 of the Constitution as it has deprived job opportunities to the sports persons, who were issued Gradation Certificates under the old policy and it deserves to be quashed on this very ground.

We have considered the submissions made by the counsel for the petitioner.

Admittedly, the new sports policy is in supersession of the policy dated 30.11.1993 (Annexure P-11). The new sports policy has been formulated by the Government to encourage the players to excel in sports at National and International levels.

Counsel for the petitioner has failed to show that the new sports policy (Annexure P-12) which was implemented in 2018, offend any fundamental rights or contravene any other provisions of the Constitution. The petitioner has also failed to establish that the sports policy (Annexure P-12) was formulated with malice.

The contentions raised by the counsel for the petitioner are not tenable. The new sports policy has been framed by the Government with a view to afford job opportunities to the sports persons, who in the recent years, excelled in different sports. It is the prerogative of the Government to settle the criteria for the jobs under a particular category, so as to get the best talent. We are of the view that the counsel for the petitioner has failed to establish that the new sports policy (Annexure P-12) is ultra vires of the Constitution.

The petitioner cannot claim job as a matter of right on the basis of the Sports Gradation Certificates issued to her under the sports policy dated 30.11.1993 (Annexure P-11).

Consequently, this writ petition is hereby dismissed being devoid of merits.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

November 5, 2020

Paritosh Kumar

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