

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

**CWP-19681-2020 (O&M)  
Date of decision: 21.12.2020**

**Pankaj Singh** **....Petitioner**

**Versus**

**Union of India and others** **....Respondents**

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI  
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Ankit Goel, Advocate  
for the petitioner.

Mr. Sudhir Nar, Senior Central Govt. Counsel,  
for respondents No.1 to 3.

Mr. Vishal Aggarwal, Advocate  
for respondent No.4.

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**AJAY TEWARI, J.(ORAL)**

**CM-13937-CWP-2020**

This is an application for placing on record rejoinder to the written statement filed on behalf of respondents No.2 and 3.

Application is allowed and rejoinder is taken on record.

**CWP-19681-2020**

1. This petition has been filed against the denial of the admission to the petitioner in the course of M.Sc. in Sports Coaching at the Netaji Subhas National Institute of Sports, Patiala. The claim of the petitioner is based on the admission notice which lists the following qualifications which would render a person eligible:-

**Qualifications for M.Sc (Sports Coaching) (Two Years Course)**

- i) Graduate Degree from any recognized Indian/Foreign University.
- ii) Diploma in Sports Coaching from SAI NS NIS, Patiala or its other academic Centers with minimum 60% marks.

iii) Aptitude for research work.

iv) Proficiency in Sports.

v) Age not more than 45 years, on the date of commencement of the course (upper age limit can be relaxed up to three years in case of deserving candidates).

vi) The selection of the candidate will be based on the performance in the admission tests and interview.

2. The grievance is that while evaluating the candidature of the petitioner for admission, the respondents considered irrelevant criterion viz. coaching experience and achievement in coaching.

3. Learned counsel has argued that there was no mention of coaching experience at all in the admission notice and this aspect could not have been introduced without pre-publication.

4. In reply, it has not been denied that the factors of coaching experience and achievement in coaching were not specified in the admission notice but the action has been sought to be justified on the ground that these factors cannot be said to be not germane and are in fact very relevant. It has further been submitted that even the marks for these factors are not awarded arbitrarily but are awarded as per objective standards. It has been urged that this action of the respondents is justified and valid and has been followed for the last many years.

5. In our considered opinion, the petition must succeed. Even though it cannot be denied that coaching experience or achievement in coaching may be a relevant factor for considering admission for the higher course of M.Sc. in Sports Coaching yet, it is trite to say that the admission notice is the Bible. If the respondents wish to introduce these factors, they must mention it in the admission notice. The mere fact that this is a

practice which has been followed since the past cannot lend it additional

weight simply for the reason that nobody challenged it in the past. We rather find that in the admission notice one of the factors which was mentioned was aptitude for research work but no marks have been allocated for this factor. We also find that in case these 20 marks are deleted, the total marks would be 80 and the petitioner would be eligible having obtained 42.53 marks.

6. In the circumstances, the petition is allowed and the respondents are directed to admit the petitioner in M.Sc (Sports Coaching). It is made clear that in case any further factors have to be added to the eligibility/desirability conditions, it would be open to the respondents to add them in the next admission notice.

**( AJAY TEWARI )**  
**JUDGE**

**( RAJESH BHARDWAJ )**  
**JUDGE**

**21.12.2020**  
*m. sharma*

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | - | Yes/No |
| Whether reportable        | - | Yes/No |