

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.127 of 2021(O&M)
Date of Order:28.01.2021

Bimla

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanchit Punia, Advocate,
for the petitioner.

Mr. Samarth Sagar, Addl. A.G.,Haryana

ANIL KSHETARPAL, J(Oral)

C.M.No.1214 of 2021

The hearing of the case was held through video conferencing
on account of restricted functioning of the Courts.

The application is allowed.

The writ petition is permitted to be amended.

MAIN

With the consent of learned counsels, taken on Board for final
disposal.

The petitioner was appointed on the post of Peon-cum-
Chowkidar on 22.01.2019. The State of Haryana had taken a policy decision
to grant appointment on priority basis to eligible sports person under the
sports quota as per policy decision dated 25.05.2018. The sports policy
adopted by the State Government provides that the candidate applying for
the post is required to get Sports Gradation Certificate. The validity of this
policy has already been upheld by the Hon'ble Division Bench in LPA

No.1332 of 2019 (*State of Haryana and another vs. Shankar*).

Since, the petitioner was appointed after the policy of 2018 came into being, therefore, she was required to get a Sports Gradation Certificate. The petitioner applied for the Sports Gradation Certificate claiming that she participated in Sub-Junior National Throw Ball Championship in the sport of Karate. Consequently, the District Sports and Youth Programme Officer, on 28.12.2020 passed the following order:-

“On the above subject it is written to you. It is written by you in application letter that in your group D form 22nd Sub JR. National Throwball Championship held at Kerla was annexed and now you have submitted the application related to karate sports on 23.12.2020 in this office, on the basis of the application, the interview was done before the deputed instructor and the Sport Gradation Committee, your reply was not satisfactory and you did not know about karate sports and sports gradation certificate cannot be issued as per the direction of Director, Sports and Youth Programme Department, Haryana, Panchkula.”

Learned counsel for the petitioner contends that the policy adopted by the State do not provide for holding of interview of the candidates.

This Court has considered the submissions of learned counsel for the petitioner.

It is not in dispute that the sports policy do provide for issuance of Sports Gradation Certificate. This provision has been incorporated in the policy, so as to rule out the possibility of fake/manipulated certificates. For

that purpose, the District Sports and Youth Programme Officer of the concerned district is required to verify this fact. If the Sports Gradation Committee has casually asked certain questions, it would not amount to holding an interview. It is apparent from the reading of the order that the Sports Gradation Committee found that the answers given by the petitioner were not satisfactory and she did not know about the game of Karate. However, this court does not wish to express any opinion on the merits of the case.

It is well settled that public employment cannot be permitted to be obtained by manipulations.

Keeping in view the aforesaid facts, the writ petition involves disputed questions of fact which the petitioner shall be required to prove by leading evidence. The petitioner shall also be required to prove that she is/was a genuine player of the game of Karate.

Keeping in view the aforesaid facts, this Court is of the considered view that the petitioner is required to be relegated to the alternative remedy.

Ordered accordingly.

January 28, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No