

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

Sr.No.106

Civil Writ Petition No.5506 of 2021
Date of Decision: 19th March, 2021.

Manjeet Singh

...Petitioner

Versus

State of Haryana & Others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Pardeep Sihmar, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J.

By way of this petition, the petitioner has approached this Court for seeking the relief of the issuance of a writ in the nature of certiorari quashing the order dated 15.01.2021 (Annexure P-8) qua the termination of his services on account of his failure to submit the Sports Gradation Certificate.

2. Bereft of unnecessary details, the averments as canvassed by the petitioner in this petition, are that in pursuance of Advertisement No.4 of 2018 issued by respondent No.6-the Haryana Staff Selection Commission (here-in-after referred to as “HSSC”), he had applied for Group 'D' post under ESP category on the basis of the Sports Certificate (Annexure P-2) issued to him for his achievement in the sports. He was issued an Admit

Card for participating in the selection process and he appeared in the written examination and qualified in the same. Thereafter, the final result was declared by the HSSC on 19.01.2019 and he had been selected for the post of Peon under the afore-said Category and his name had been recommended to the Labour Department, Haryana, for his appointment as such and he was allocated in the office of respondent No.5. He was also issued the appointment letter dated 22.01.2019.

3. However, vide the letter dated 24.07.2019, the Chief Secretary to the Government of Haryana asked all the candidates selected under the ESP Quota to submit the requisite Sports Gradation Certificates, in terms of the Government Instructions. The said letter had been challenged by several candidates by filing writ petitions in this Court and the same, along-with LPA No.1332 of 2019, had been decided vide the judgment dated 09.10.2020 whereby the candidates selected for Group 'D' posts under ESP category were given specific time to apply for the issuance of the requisite Sports Gradation Certificate in terms of the new policy notified on 25.05.2018 and the competent authority had also been directed to ascertain/decide their claim qua the issuance of such certificates within a period of one month thereafter. In pursuance of the said judgment, the Government of Haryana issued the instructions on 10.11.2020 (Annexure P-5) requiring the selected/appointed candidates to submit the said requisite Certificates within specific time frame. He had already submitted the Gradation Certificate (Annexure P-2) regarding his achievement in the Football Tournament at the time of submission of his application form but in compliance of the said Instructions Annexure P-5, he

submitted Gradation Certificate Annexure P-6 to the competent authority but the respondents terminated his services without taking the same into consideration.

4. Mr. S.S.Pannu, Deputy Advocate General, Haryana, has appeared in this case on behalf of respondents No.1 to 6, in pursuance of the copies of this petition having been sent to the respondent-State in advance.

5. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition, at the preliminary stage and have also perused the file thoroughly.

6. Learned counsel for the petitioner contends that the petitioner had participated in the games while studying and though, he had submitted the requisite certificate Annexure P-2 along-with his application form and had, subsequently, submitted certificate Annexure P-6 also to the competent authority to prove his eligibility for his selection under the ESP Quota but despite that the respondent-Department has illegally terminated his services vide the impugned order Annexure P-8.

7. Per contra, learned State counsel has argued that the petitioner had failed to submit the requisite Sports Gradation Certificate, in terms of the prevalent Sports Policy dated 25.05.2018, despite his having been granted sufficient opportunities for the said purpose and therefore, the impugned order has rightly been issued to him.

8. At the very outset, it is worth-while to mention here that a bare reading of the impugned order/Letter Annexure P-8 shows that the services of the petitioner have not been outrightly terminated vide the same and

rather, he has been directed to submit the requisite Sports Gradation Certificate in terms of the new sports policy dated 25.05.2018 by 25.01.2021 while further intimating that otherwise, his services would be terminated. Annexure P-2 is the copy of the Merit Certificate issued by the Central Board of Secondary Education, Delhi, certifying therein that the petitioner had participated in the Football Tournament and had remained winner in the same. However, as per instructions issued by the State Government on 10.11.2020 vide Annexure P-5, the candidates, who had applied for Group 'D' post under 'ESP Category' and had been selected accordingly, were asked to apply to the Sports and Youth Department for the issuance of the requisite Sports Gradation Certificate, in terms of the said new policy within 15 days, i.e upto 25.11.2020 and the competent authority was to decide/ascertain their claim in this regard by 25.12.2020 positively and the candidates were required to submit the said certificate to the Appointing Authority before 31.12.2020 otherwise their appointments/ selections were to be terminated immediately.

9. As regards certificate Annexure P-6 as claimed by the petitioner to have been submitted to but not considered by the competent authority, it is again pertinent to point it out here, that this certificate has been issued by Rao Pahlad Singh Senior Secondary School Khatod (Mahendergarh) mentioning therein his date of birth and the factum of his participation in the said Foot Ball Tournament and the same can, by no stretch of imagination, be taken to be the requisite Sport Gradation Certificate in terms of the above-said new sports policy. The factum of the petitioner having been directed vide

impugned order Annexure P-8 to submit the said certificate by 25.01.2021 makes it quite explicit that the respondents have already given him the concession to submit the said Certificate even after the last date stipulated for this purpose, i.e 31.12.2020. However, the petitioner has not placed any document on the file to show that he had ever applied to the competent authority for the issuance of the said requisite certificate.

10. As a sequel to the fore-going discussion, it follows that this petition, being sans any merit, deserves dismissal. Resultantly, the same is hereby dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

19.03.2021.
seema

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No