

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

LPA-550-2021

Date of Decision:-6.7.2021

Mandeep Singh

... Appellant

Versus

State of Haryana and Others

... Respondents

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

Present:- Mr. Raj Kumar Bhatia, Advocate and
Mr. Nitish Bhatia, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The appellant has filed this LPA against order dated 27.4.2021
whereby the civil writ petition No.4214 of 2021 filed by him seeking
necessary directions against the respondents was dismissed, by the learned
Single Judge.

The appellant, who is stated to be a national level athlete and is presently working as Forest Guard in Forest Department, Haryana invoked the writ jurisdiction claiming the following reliefs:-

- I. Direction in the nature of Mandamus directing the respondents to promote him as per rank/gradation obtained by the appellant in the sports quota.
- II. Directing the respondent No.5-Director, Sports & Youth Affairs Department, Haryana to send fresh gradation-cum-merit certificate of the appellant to respondent Nos.1 to 4 with further direction to the said respondents to take action for appointment/promotion of the appellant as per his gradation.
- III. To further direct the respondents to decide in a time bound manner, the legal notice dated 7.9.2020 (Annexure P-19) issued by the appellant.
- IV. To issue any appropriate writ, the Court may deem fit and proper in the facts and circumstances of the case.

After hearing the petitioner (appellant herein), the writ petition was dismissed by the learned Single Judge with the following observations:-

“It is settled principle that a writ of mandamus can only be issued if there is any legal right or a statutory provision on which the respondents are not acting. In the absence of any such provisions

having been pointed out, this Court is of the opinion that the present writ petition does not warrant any further indulgence and the present writ petition is, accordingly, dismissed in limine.”

Aggrieved by the aforesaid order, the present appeal has been filed by the appellant.

We have heard the counsel for the appellant.

The counsel for the appellant contended that the appellant participated and secured first three positions in different athletics championships upto the national level, as is clear from certificates (Annexure P-2 to Annexure P-17). The learned counsel further submitted that on the basis of his performances in the various championships, respondent No.5 issued him A-II grade certificate, which is Annexure P-18. The learned counsel further submitted that presently the appellant is serving as Forest Guard in Forest Department, Haryana. He is entitled to get immediate promotion to the post of District Forest Officer/Forest Ranger on the basis of Haryana State Sports Policy, on account of his achievements in athletics. However, the government failed to take any steps, on which the appellant served legal notice dated 7.9.2020 (Annexure P-19), despite this nothing has been done by the respondents.

The counsel for the appellant next argued that the learned Single Judge while passing the impugned order failed to consider the abovesaid legal notice. The learned counsel further contended that even no direction was given to the concerned authorities to consider and decide the legal notice of the appellant. The counsel for appellant further submitted

that the learned Single Judge also did not consider it fit to issue directions to respondent No.5 to issue fresh gradation certificate on the basis of the achievements of the appellant in the field of athletics. The counsel for the appellant further prayed that the appeal deserves to be allowed.

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

It is admitted case of the appellant as is clear from para No.2 of the writ petition that he was selected and appointed as Forest Guard in Forest Department, Haryana under sports category vide selection notice No.1196 dated 4.7.2014 (Annexure P-1). Even at present, the petitioner is working as a Forest Guard.

Admittedly, prior to Sports Policy dated 6.4.2018, the sports-persons of Haryana were issued grading certificates and provided benefits under the Sports Policy dated 30.11.1993. The Sports Policy dated 6.4.2018 provides for reservation in jobs for sports-persons. However, the counsel for the appellant has failed to show that the said Sports Policies also provided for grant of further promotion to sportsmen who were appointed against the posts reserved for sports-persons. Even the learned Single Judge, observed that the counsel is at loss to point out from the Sports Policies as to whether there is any further provision for grant of promotion on the basis of the fact that the petitioner (appellant herein) is a sportsman who was appointed as a Forest Guard at an initial point of time.

It is evident that the learned Single Judge while passing the impugned order, had taken into consideration the legal notice (Annexdure P-

19) which was issued by the appellant. Perusal of legal notice (Annexure P-19) makes it clear that the appellant is seeking further promotion to the post of Forest Ranger / District Forest Officer on the basis of his achievements in athletics. In the absence of any such provisions in the prevalent Sports Policy, the learned Single Judge rightly declined to issue any direction to the concerned authority to consider and decide the legal notice (Anneuxre P-19).

It is also evident that on the basis of his achievements in the field of athletics, the appellant was issued gradation certificate (Annexure P-18) by the Sports Department, Haryana in the year 2015, under the Sports Policy dated 30.11.1993, which was applicable at that time.

In the wake of the above, we are of the view that the appellant has failed to demonstrate infringement of his any legal right or statutory provisions. So, the learned Single Judge rightly observed that no further indulgence is warranted in the matter and accordingly dismissed the writ petition in limine.

In the light of above, we are also of the same view and consequently, the appeal is hereby dismissed being devoid of merits.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

6.7.2021

Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No