

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

**CWP-19834-2020 (O&M)
Date of decision: 19.1.2021**

Alamdeep Kaur

... Petitioner (s)

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Angel Sharma, Advocate, for the petitioner (s).

Ms. Monica Chhibber Sharma, Sr. D AG, Punjab.

Mr. Nitin Kaushal, Advocate,
for respondent No.3.

Mr. Yagyadeep, Advocate,
for respondent No.4.

KARAMJIT SINGH, J.

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

The petitioner has invoked the jurisdiction of this Court under
Article 226 of the Constitution of India with prayer for setting aside the
impugned letter/order dated 16.11.2020 (Annexure P-7) issued by
respondent No.2-Director, Department of Sports, Punjab, with further
direction to the said respondent to issue/counter-sign the Sports Gradation
Certificate of the petitioner and to consider her for admission in
MBBS/BDS course 2020-2021 in respondent No.3-Baba Farid University of
Health Sciences, Faridkot.

The case of the petitioner is that she is a domicile of State of

employee posted in Chandigarh since 2001. She passed her 10+2 examination from a school situated in Union Territory, Chandigarh., She also represented Union Territory in 55th and 57th National Roller Sports Championship held in 2018 and 2019 and secured first and second positions respectively. She has been granted Grade 'B' certificate dated 20.8.2020 (Annexure P-2) by the Sports Department, Chandigarh Administration.

The petitioner applied for counter-signing of the said Sports Gradation Certificate by respondent No.2, so that she be able to take the benefit of reservation meant for sports persons in Government Medical and Dental Colleges of Punjab State. Her request was declined by respondent No.2 vide impugned letter (Annexure P-7) with the following observations :

-

“Since the player has not secured any position in National School Games therefore, the matter is not covered for counter signature of the Sports Gradation Certificate.”

Aggrieved by the said communication, the petitioner has filed the present writ petition.

We have heard the learned counsel for the parties.

Counsel for the petitioner while referring to the eligibility criteria for admission to MBBS/BDS courses in the State of Punjab for the session 2020-2021, submitted that the petitioner being sports person of National level fulfills the criteria for admission under 'sports persons' category. He also referred to paragraphs 11 and 15 of the notification dated 2.9.2020 regarding admission to above said courses, which reads as follows : -

“11. The candidate should be a bonafide resident of Punjab.
The resident status of Punjab state shall be taken in terms of

Punjab Government, Department of Personnel and Administrative reforms (PP-II Branch) letter No.1/3/95-3PP II/9619, dated 6th June, 1996, and any further instructions issued by the Department of Personnel, if any, and the same shall be adhered to. A copy of notification No.1/3/95-3 PP II/9619, dated 6th June, 1996 is enclosed herewith.

15. Reservation in Government Medical/Dental Colleges :

The reservation for the State quota seats in Government Institutes in various categories for admission to the Undergraduate courses in Government Medical/Dental Institutes shall be as under :

- (i) X X X
- (ii) X X X
- (iii) X X X
- (iv) X X X
- (v) Sports Persons 1%

Credit shall be given only for the sports achievements made during class XI and XII. The admission shall be made on the basis of inter-se merit of the candidates determined on the basis of gradation (Category A/B/C) issued by the Director of Sports, Punjab. However, for exempted categories under para 11 of this Notification, the competent authority will be Director, Sports of that State or U.T. from where the candidate has passed his class XI and XII examinations.....”

Counsel for the petitioner also referred to the relevant conditions of the Sports Policy of Punjab Government dated 10.12.1997 (Annexure P-8), under which, the claim of the petitioner was declined by respondent No.2 vide communication Annexure P-7.

Counsel for the petitioner, while referring to the above said

sports policy, contended that the petitioner being domicile of Punjab State,

is having every right to claim reserved seat in the sports category in MBBS/BDS courses in Government Medical and Dental Colleges in the State of Punjab, she being position holder in National Tournaments and has been granted Grade 'B' certificate (Annexure P-2) by Chandigarh Administration. It was further contended that respondent No.2 wrongly rejected her request. The reasons given in the rejection letter (Annexure P-7) are not tenable at all. It was prayed that necessary directions be given to respondents No.2 and 3 to consider the case of the candidate on the basis of Gradation Certificate (Annexure P-2), for admission.

On the other hand, learned State counsel submitted that there is no illegality in Annexure P-7. The petitioner neither participated nor secured any position in National School Games. She also never represented the State of Punjab in any sports event. She did not fulfill the conditions regarding issuance of Sports Gradation Certificate as per the sports policy of State of Punjab dated 10.12.1997. Respondent No.2 rightly declined her request to counter-sign the Gradation Certificate (Annexure P-2) issued to the petitioner by the Sports Department of Chandigarh Administration.

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

Admittedly, the petitioner is a domicile of State of Punjab. She has passed her 10+2 examination from a school situated in Chandigarh. She has been granted Grade 'B' certificate (Annexure P-2) by Chandigarh Administration as she represented Union Territory of Chandigarh in National Roller Skating Championships and secured positions. She applied for counter-signing of the said Sports Gradation Certificate by the

under the Sports Persons' category to get admission in MBBS/BDS course in the State of Punjab. Her request was declined by respondent No.2 vide impugned communication Annexure P-7 which reads as follows : -

“You are hereby informed that Ms. Alamdeep Kaur daughter of Sh. Gurmeet Singh has achieved position in 55th National Roller Sports Championship and 57th National Roller Sports Championship while representing Chandigarh on the basis of which, the Chandigarh Administration had issued Grade B Sports Gradation Certificate vide No.GR/2020/718 dated 20.08.2020. Para 4(2) (a) of the Sports Gradation Policy 1997 issued by the Punjab Government regarding counter signature of the Sports Gradation Certificate issued by Chandigarh Administration, the Sports Gradation Policy 1997 is as under :

Claim of the resident of Union Territory of Chandigarh will only be entertained for counter signature or certificate issued by the Department of Sports, Union Territory of Chandigarh for National School Games only provided parents belong to the Punjab State Service and are posted at Chandigarh during the period of which gradation is being claimed for their wards. For junior and senior National Championships, they must play as nominee of the State of Punjab.

Since the player has not secured any position in National School Games therefore, the matter is not covered for counter signature of the Sports Gradation Certificate.”

As per Sports Gradation Policy of the State of Punjab dated 10.12.1997 (Annexure P-8), for Sports Gradation Certification, only the cases fulfilling the following conditions are to be considered : -

“1. For Gradation Sports Department Punjab will only entertain the claim of domicile of the State who actually participated in the competitions as nominee of Punjab Team. This will leave out the Sports residents of other States, Punjab

domiciles or even of Punjab and Chandigarh who do not represent Punjab any competition as Punjab nominee.

2. Claim of the resident of Union Territory of Chandigarh will only be entertained for counter signature or certificate issued by the Department of Sports, Union Territory of Chandigarh for National School Games only provided parents belong to the Punjab State Service and are posted at Chandigarh during the period of which gradation is being claimed for their wards. For junior and Senior National Championships, they must play as nominee of the State of Punjab as is the case in PARA-1 above.”

In the present case, the petitioner admittedly did not participate in any junior or senior National Championship as a member of Punjab team. She also did not participate in any National School Games.

As per conditions (1) and (2) of the Sports Gradation Policy, Punjab which are reproduced above, a candidate is not eligible to seek Sports Gradation under the policy unless he/she has played and represented the State of Punjab in a sports tournament as a Punjab nominee.

In the light of the aforesaid, the petitioner is not eligible to get Sports Gradation Certificate issued by Punjab Sports Department. She is also not eligible for counter-signing of her Sports Gradation Certificate (Annexure P-2) by the said department. Therefore, no interference is called for by this Court.

Dismissed.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

January 19, 2021

Paritosh Kumar

PARITOSH KUMAR
2021.01.22 10:47
I attest to the accuracy and
authenticity of this document

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