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

Date of decision: 28.04.2022

1. CWP-16604-2019 (O&M)

SIMRANJEET SINGH AND OTHERS

...Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

2. CWP-9842-2020 (O&M)

HARSAHIJ SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sanjiv Gupta, Advocate and
Mr. Arun Sharma, Advocate for the petitioners.

Ms. Ambika Bedi, AAG, Punjab.

Mr. Surjit Singh Salar, Advocate
for the applicants in CM Nos.369-CWP-2021, 370-CWP-2021,
11614-CWP-2021, 11615-CWP-2021 in CWP-16604-2019.

Mr. Kanwal Goyal, Advocate
for the applicant in CM-1300-CWP-2022 in CWP-16604-2019.

Mr. Tushar Sharma, Advocate
for respondent No.2 in CWP-16604-2019.

Mr. Nitin Jain, Advocate and
Mr. Ruchir Mishra, Advocate
for respondent No.4 in CWP-16604-2019 & CWP-9842-2020.

Ms. Suman Jain, Advocate,
for respondent No.5 in CWP-16604-2019 & CWP-9842-2020.

JAISHREE THAKUR, J. (Oral)
CM Nos.-369, 370, 11614, 11615-CWP-2021 in CWP-16604-2019

Gurjeev Singh Riar and his four other companions have sought themselves to be impleaded as respondents in the present writ petition on the ground that they are similarly situated with Simranjeet Singh and others, petitioners in CWP-16604-2019. It would be worthwhile to note that the petitioners in CWP No 16604 of 2019 are those sports persons who were permitted by the High Court to participate in Championship games of seniors and juniors by virtue of orders passed in Civil Writ Petition No.1330 of 2018. However, a perusal of the certificates relied upon by the applicants would reflect that this is not the same Championship, in which the applicants participated in. Consequently, no ground for impleading the applicants as party in the present petition is made out. Since the applicants have not participated in the 36th Netball Championship held at Bangalore in March, 2019 for the year 2018-19, the instant applications are disposed of, giving liberty to the applicants to file an independent writ petition seeking any relief they may claim.

CM-1300-CWP-2022 in CWP-16604-2019

The Punjab Netball Association, Barnala, through its President Jagdish Mittal has also sought to be impleaded as respondent to this writ petition on the ground that they have filed a writ petition pending in the High Court challenging the wrongful disaffiliation with Netball Federation of India and they too have a right to be heard in this writ petition. However, this court is not inclined to allow its impleadment as respondent as no relief is being claimed against them in the instant writ petition.

Accordingly, the application is dismissed.

CWP-16604-2019 (O&M) and CWP-9842-2020 (O&M)

1. By this common order, this Court proposes to dispose of the above noted two writ petitions, as the facts are common.

2. In brief, the facts are that the petitioners herein are sports persons, who have participated in a game which is called *Netball*. The petitioners herein were affiliated with the Netball Promotion Association, which came into existence on 05.03.2017. It would be worthwhile to note that before this Association came into existence, Punjab Netball Association was the accredited Association with the Netball Federation of India as well as the Punjab Olympic Association, however, (for reasons which are not germane to these proceedings), Punjab Netball Association was disaffiliated by Netball Federation of India and on the same day, Netball Promotion Association came into existence and was affiliated with Netball Federation of India. It appears that the said Netball Association is required to be affiliated with the Punjab Olympic Association as well. Punjab Netball Association on its disaffiliation, filed Civil Writ Petition No.1330 of 2018, which is pending consideration in this Court. During the pendency of the said writ petition, a civil miscellaneous application was preferred and it was put forth that National Championship Games are to be held on 06.12.2018 and 29.12.2018, for which the players who were affiliated with the Association could be considered to be part of the State team. On the basis of the request put forward, liberty was granted to the Indian Olympic Association to oversee the process of selection of players to form a part of the State team to participate in the said championship. This order was passed on 30.11.2018. Pursuant to the order passed, there was a team

selection under the aegis of Indian Olympic Association and the State team was selected, which participated in the National Championship Games held. The senior players were successful and were awarded gold medals for their effort. It is thereafter, that the players are facing a problem of a gradation certificate not being awarded, as sought by them. It is noted that though the games were to be held on 06.12.2018 and 29.12.2018, the Championship for the senior players was postponed and was held in March, 2019 where the selected players won the gold medals. After having participated, the petitioners herein are facing hurdle of having their gradation certificate issued by the State.

3. Mr. Sanjiv Gupta, Advocate for the petitioners herein would contend that the action of the respondents in declining to give gradation certificates to the petitioners herein in terms of the policy dated 10.12.1997 (Annexure P-1), is wholly unjustified and arbitrary, considering the fact that the petitioners participated in the Championship held in March, 2019 under the orders of the Court, which selection was supervised under the aegis of Indian Olympic Association. It is further contended that the gradation certificates of the petitioners have been withheld without any justification, denying them an opportunity to seek employment/admission in Government Organizations and Universities to improve their qualifications etc. It is contended that the petitioners herein have approached the State Government for the necessary gradation certificate, which stands declined by impugned order dated 05.07.2019. It is also contended that it is expected of the State to act fairly in this regard. Petitioners have even moved an application to amend the writ petition to lay a challenge to order dated 05.07.2019.

4. Learned State counsel has filed an additional affidavit of Parminder Pal Singh Sandhu, PCS, Director Sports Punjab on behalf of respondent Nos.1 and 3 and submits that the request for gradation certificate cannot be acceded to as Netball Promotion Association has not been recognized by the Punjab Olympic Association, which is one of the pre-requisites of issuance of sports gradation certificates. It is contended that one of the reasons for not recognizing Netball Promotion Association is that it had not conducted State Championships and District Championships for all age groups (Senior, Junior and Sub-Junior) for the preceding five years, on the date when it allegedly came into existence.

5. Learned counsel appearing on behalf of Punjab Olympic Association-respondent No.2 reiterates the objections as taken by respondent Nos.1 and 3.

6. Mr. Nitin Jain, learned counsel appearing on behalf of Indian Olympic Association would submit that under the orders of the Court, the trials were held and State level team was comprised, which participated in the National Championship held. He further contends that he has no objection in case gradation certificates are issued to the players who participated under the orders of the Court.

7. I have heard learned counsel for the parties.

8. As noticed, these two writ petitions have been filed at the instance of players seeking the issuance of Sports Gradation Certificate in terms of policy dated 10.12.1997 as issued by the Government of Punjab Department of Sports and Youth Affairs. As per the policy, a sports gradation certificate '*Grade A*' is to be issued for entitlement to concessions

to sports persons of international standing i.e. who have represented India in Olympic Games, World Cup, Asian Games, Commonwealth Games, Davis Cup and Test/One-Day cricket matches. Similarly, sports gradation certificate '*Grade B*' is to be issued to sports persons who have participated and achieved positions in the 1st, 2nd and 3rd position in Senior and Junior National Championships organised by recognised National Federation of that games under the banner of Indian Olympic Association where at least 15 States have participated.

9. Undisputedly, the petitioners have participated in the Championship as organised by the Netball Federation of India at Bangalore held in the month of March, 2019 and under the banner of the State team representing Punjab. As per Annexure P-6, there are 12 sports persons who have represented the State team and names of four of the petitioners, are reflected therein. Denial by the respondent-State to issue a Gradation Certificate to the petitioners primarily on the ground that these petitioners stand associated with Netball Promotion Association which has not been recognised by Punjab Olympic Association (which is a pre-requisite for recognizing an Association) is not justified as these petitioners were allowed to participate in the Championship under orders of the High Court in Civil Writ Petition No.1330 of 2018. The respondent-State has failed to take into consideration that these petitioners have represented the State of Punjab and this very team was successful in getting a gold medal for the State. Under orders of the Court, the Indian Olympic Association selected the team, which discovered itself with glory.

10. The petitioners, who are players of standard cannot be made to suffer on account of the ongoing litigation between the Netball Promotion Association/Punjab Netball Association and their affiliation/disaffiliation with Punjab Olympics Association and the question which of the two sports bodies will be eventually permitted to hold tournaments. It should not be the case, that till such time as the dispute is settled, as to which of the associations is competent to hold tournaments, that the players will be made to suffer as there will be no representation of the State of Punjab in the Championships to be held in the future, thereby also denying an opportunity to players to represent India in the Olympic or Commonwealth, Asian games etc. It is also worthwhile to recognize that all sport players have a short span of years when they are at their physical peak and fitness, which allows them to participate in Championships organised. The pending litigation is most likely to jeopardize the chances of many sportspersons who are playing Netball to be considered for participation in National/International events, which is highly unfair to them. For no fault of theirs, such players are caught in a situation which is not of their own making.

11. Therefore, taking all factors into consideration by this Court, these Civil Writ Petitions are disposed of with a direction to Respondent Nos.1 and 3 to issue Gradation Certificate to the petitioners and such other players who participated in the Championship as held in Bangalore in March 2019, (as per their entitlement), within a period of one month of passing of this order.

12. Needless to say, these directions are issued as a one-time measure and will not be cited as a precedent. Moreover, the issue in the Civil Writ Petition No.1330 of 2018 pending, as to whether Punjab Netball Association has wrongly been disaffiliated or whether Netball Promotion Association can be allowed affiliation by the Punjab Olympic Association is to be decided on its own merit.

13. Other miscellaneous applications pending as on date in both the petitions are also disposed of.

28.04.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>