

266

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

CWP-26310-2021

Date of decision: 30.11.2022

RAVINDER

..Petitioner

VS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ravinder Malik(Ravi), Advocate,
For the petitioner.

Ms. Mamta Singla Talwar, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing letter dated 12.10.2021 (Annexure P-8) whereby the petitioner has been denied the issuance of Sports Gradation Certificate despite having been issued Grade-D Sports Gradation Certificate. Further, a writ in the nature of Mandamus has been sought seeking directions to consider the petitioner eligible for appointment on Group-D post under Eligible Sports Person (ESP) category.

2. In para 7 of the preliminary submissions in the written statement dated 21.01.2022 filed on behalf of respondents No.2, 3, 6 and 7, following stand has been taken:

“7. That the office of Chief Secretary to Government of Haryana issued instruction vide letter dated 15.09.2021 (Annexure R-1) and directed the respondent No. 2 issue Sports Gradation Certificate in terms of Sports Policy dated 25.05.2018 by 31.10.2021 positively in favour of such eligible

candidates/employees of Group D whose representation and/or cases are pending at their level. The District Sports & Youth Affairs Officer, Sirsa (respondent No. 6) vide letter dated 12.01.2022 has informed that in compliance of letter dated 15.09.2021 issued by the office of Chief Secretary to Government, Haryana, the petitioner applied for issuance of Sports Gradation Certificate for the said achievement in the office of respondent No.6 on 05.10.2021. The respondent No.6 vide letter dated 06.10.2021 sent the Sport Certificate (P-5) to the office of respondent No.5 for verification. The respondent No. 5 vide letter dated 12.10.2021 informed the respondent No.6 that as per office record the said student only participated in this tournament, he has not got any position. The petitioner was informed vide letter dated 12.10.2021 that the said achievement is not covered under notification dated 25.05.2018, so the Sports Gradation Certificate cannot be issued him. Thereafter, the petitioner submitted a representation dated 25.10.2021 in the office of respondent No. 6 to conduct an enquiry relating to Sports Certificate (P-5) for issuance of Sports Gradation Certificate. The respondent No. 6 vide letter dated 25.10.2021 requested the office of respondent No.5. The respondent No. 5 conducted an enquiry and sent the enquiry report vide letter dated 23.11.2021 to the respondent No.6 with the findings that the petitioner had participated in the 48th Haryana State School Games Tournament- 2013-2014 held Sirsa (Haryana) from on 07.10.2013 to 10.10.2013 (Swimming 100 Mtrs. Free Style under-19). The result of the said tournament is as under :-

<i>Sr. No.</i>	<i>Name of Players (District)</i>	<i>Position</i>
<i>1</i>	<i>Sh. Nikhil (Gurugram)</i>	<i>1st</i>
<i>2.</i>	<i>Sh. Vikas (Hisar)</i>	<i>2nd</i>
<i>3</i>	<i>Sh. Parteek (Sirsa)</i>	<i>3rd</i>

It is clear from the result that the petitioner did not get any position in the said tournament, but he had only participated in the said tournament. Moreover, the petitioner has tampered the Sports Certificate (P-5) by making 1st position in place of participation in the Sports Certificate (P-5) for taking wrong benefit. Since, the said achievement of participation is not covered under notification dated 25.05.2018, therefore, the District Sports & Youth Affairs Officer, Sirsa (Respondent No. 6) has not issued the Sports Gradation

Certificate to the petitioner. The copy of enquiry report was given to the petitioner on 26.11.2021 by the respondent No.6. Therefore, the letter dated 12.10.2021 (P-8) issued by the respondent No. 6 to the petitioner is just, legal and sustainable in the eyes of law.”

3. *Ex facie* disputed questions of facts are involved, which cannot be gone into on the basis of affidavits under the extraordinary writ jurisdiction.

4. This Court would refrain from interfering under extraordinary writ jurisdiction in the domain of the employer’s discretion.

5. Dismissed with liberty to the petitioner to seek appropriate alternative remedy, as may be advised and available in law.

(ARUN MONGA)
JUDGE

November 30, 2022

Vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No