

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

221

CWP-18280-2018

Date of decision: 09.10.2023

SANJAY

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Daman Singh, Advocate and
Ms. Monika Khatri, Advocate for
Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer made in the present writ petition is for seeking issuance of directions to the respondents to confer the Bhim Award on the petitioner as he claims to be fulfilling all the eligibility conditions prescribed by the State Government vide guidelines dated 04.08.2014 (Annexure P-1).

2. Learned counsel appearing on behalf of the petitioner has argued that the petitioner is an International Sports Person having participated and achieved numerous medals in Wushu Games held at National and International level. The details of his achievements are extracted as under:

- “i. Petitioner participated in 12th World Wushu Championship held in Malaysia in the year 2013.*
- ii. Petitioner won Gold Medal in 21st Senior Championship held in Calcutta in the year 2013.*
- iii. Petitioner won Silver Medal in 20th Senior National Championship in Jammu held in year 2012.*
- iv. Petitioner won Gold Medal in 10th Senior National Championship in Haridwar in the year 2011.*
- v. Petitioner won Gold Medal in 18th Senior National Championship held in Jharkhand in the year 2010.*
- vi. Petitioner won Silver Medal in 15th National Game held in Kerala in the year 2015,.*
- vii. Petitioner won Bronze Medal in 34th National Games held in Ranchi in the year 2011.*
- viii. Petitioner won Gold Medal in 25th Senior National Championship held in Calcutta in the year 2013.*
- ix. Petitioner participated in 12th World Wushu Championship held in October, 2013, in Malaysia.*
- X. Petitioner participated in 2nd World Junior Wushu Championship held in December, 2008, in Indonesia.”*

3. The State Government issued guidelines for conferring Bhim Award on 04.08.2014 and prescribed the eligibility conditions. The petitioner submits that as he was eligible in terms of the above said criteria, he submitted an application for the same on 20.08.2015. Notwithstanding the

achievement of the petitioner and his entitlement for being conferred with the award, the respondents have not considered the claim of the petitioner. The eligibility conditions prescribed as per the guidelines dated 04.08.2014 are extracted as under:

2. Eligibility:

- (i) *The applicant should be a resident of Haryana.*
- (ii) *Not more than Eleven sports persons (three team games, five individual game sportspersons, two Paralympics and one special Olympic mentally challenged sportsperson (International) will be selected for Bhim Award every year subject to the availability of the sportspersons fulfilling the norms laid down for the award.*
- (iii) *The Bhim Award will consist of a Bhim statue, a scroll of honour, a blazer, a tie/scarf and a cash award of Rs.5.00 Lakh which will be presented to the selected recipient.*
- (iv) *Award will not be given to more than one sportsperson in the same game category (except in case of selected person being a woman).*
- v) *Sports achievements in all the games & sports and their championships incorporated in sports Policy will be evaluated for sportspersons at Senior International and Senior Federation Cup/Sr. National Championship and National Games of the last four financial years.*

- (vi) *Only those sportspersons will be considered for Bhim Award who have represented Haryana State in the recognized Federation's senior National/ Federation Cup and National Games at least once in the period of consideration.*
- (vii) *Only those achievements of sportsperson will be taken into account which are supported by appropriate certificates issued by competent body (President/ Secretary) Certificate given on letter pad of Federation/ Association will be entertained in case it is signed by the President/Secretary of concerned national federation and it also should be checked from internet.*
- (viii) *Sportspersons who have been penalized or against whom enquiry is pending/ongoing for use of drugs/substances will not be eligible for Bhim Award.*
- (ix) *No Award will be made for a second time to the same person. The award may also be given posthumously, in case such an eventuality arises.*
- (x) *The decision of the Govt. of Haryana in respect of interpretation of these rules shall be final and no appeal shall lie against the decision of the Government.*
- (xi) *Evaluation criteria for the medals won at different Games/cup/Championship shall be as follows:*

Sr. No.	Games/Championship/Cup	Gold Medal	Silver Medal	Bronze Medal	Participation
1.	Olympic Games	80	70	55	20
2.	Sr. World Cup/Championship (once in 4 years)	40	30	20	15
3.	Asian Games	30	25	20	15
4.	Commonwealth Games/World Championship/World Cup (biennial/annual)	25	20	15	12
5.	Senior Asian Championship/Cup/ Commonwealth Championship/SAF Games	15	10	07	05
6.	National Games/Senior National Championship/Senior Federation Cup.	10	7	4	--

xii) The entries will be invited every year from the sportsperson belonging to Haryana through concerned District Sports and Youth Affair Officers of the State.

(Emphasis supplied)

4. Referring to the above, counsel for the petitioner contends that the petitioner, being a medalist at various national and international events in the game of Wushu, was entitled to be considered for being conferred Bhim Award in 05 individual games sports persons. A reference has also been made to Clause 5 of the eligibility conditions to contend that sports achievement in all the games incorporated in sports policy and their

Championship were required to be considered for evaluation and for conferring the benefits and that the needful has not been done which violates the guidelines.

5. Written statement on behalf of respondents had been filed through the Joint Director, Sports Department wherein it is averred that the District Level Committee had recommended the application of the petitioner for grant of Bhim Award with 39 marks on the basis of his achievements for the years 2011 to 2015 at National and International level in Wushu Game. The same was thereafter forwarded to the Directorate which scrutinized the application and achievements of the petitioner and found that the petitioner is not entitled for grant of Bhim Award due to the reason that as per the guidelines for grant of Bhim Award dated 04.08.2014 (supra), only those games which fell under the preview of Sports Policy-2009 and thereafter under the Haryana Sports & Physical Fitness Policy-2015 were to be considered for being conferred the Bhim Award. Since Wushu Game is neither covered under the Sports Policy at 2009 nor under the Sports Policy of 2015, hence, the Bhim Award could not be conferred upon the petitioner although cash awards have been duly released. Even though the aforesaid written statement was filed by the respondents on 19.08.2019, however, no replication/rejoinder to the same was filed controverting the stand of the respondents.

6. Counsel for the respondent-State has referred to the Clause 2 (5) of the guidelines to contend that the achievement in all the games and Sports and their championships has to be read in reference to the Sports policy of the State and for evaluation of the Sports person at Senior International and Senior National Championship in the National Games. Hence, the Games

and Sports has to be interpreted in light of the expression “Sports Policy” used therein. Neither the Sports policy of 2019 nor the policy of 2014, prescribed the game of Wushu as a game under the Sports Policy notified by the State of Haryana. The details of the Games that had been enlisted by the State of Haryana in its sports policy for conferring various benefits are as under:-

OLYMPIC GAMES

1.	Archery	15.	Judo
2.	Athletics	16.	Triathlon
3.	Badminton	17.	Rowing
4.	Basket Ball	18.	Swimming
5.	Boxing	19.	Sailing (Yachting)
6.	Canoeing	20.	Shooting
7.	Cycling	21.	Table Tennis
8.	Equestrian	22	Tae-Kwan-do
9.	Fencing	23.	Tennis
10.	Football	24.	Volley Ball
11.	Golf	25.	Weight Lifting
12.	Gymnastics	26.	Wrestling
13.	Handball		
14.	Hockey		

NON OLYMPIC GAMES

1.	Base Ball	11	Skating
2.	Billiard	12	Snooker
3.	Chess	13	Soft Ball
4.	Cricket	14	Squash
5.	Kabaddi (Haryana Style)	15	Throw Ball
6.	Kabaddi (National Style)	16	Yoga
7.	Karate		
8.	Kho Kho		
9.	Korf Ball		
10.	Net Ball		

7. Hence, it is contended that there are only 42 sports disciplines that are covered under the Sports policy and the achievements of a Sports person claiming conferment of Bhim Award has to be seen in terms of the aforesaid policy and in accordance with the games approved in the sports policy.

8. There has been no challenge to the policy and/any response controverting the stand of the respondent-State. Besides, no replication having been filed, the stand of the State has thus remained unrebutted & undisputed. The award being conferred by the State is restricted to games it has qualified & which the State intends to promote or nurture. Since the benefit is being claimed under the policy as above, the limitation/restrictions provided thereunder are also attracted. Any other interpretation is likely to

render Clause 2 (V) of the guidelines of 2014 negatory & meaningless & the words “incorporated in sports policy” shall be rendered superfluous. The same would be contrary to established rules of interpretation.

9. In view of the above and taking into consideration that the conferment of Bhim Award is qualified and subject to the achievements of a Sports person in the sports that are recognized in the Sports policy as well as that the sport of Wushu has not been incorporated by the State of Haryana in its Sports policy, I fail to find myself in agreement with the petitioner that he is entitled to being conferred Bhim award under the sports policy. The present petition is accordingly dismissed.

10. The petitioner may, if so advised take recourse to impugning the said policy by filing an appropriate petition, if so advised.

(VINOD S. BHARDWAJ)

JUDGE

OCTOBER 09, 2023

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No