

CWP-31332-2019

1

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(108-6)

CWP-31332-2019

Date of decision : 12.04.2023

Ravi Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Karan Singh, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

...

**SUVIR SEHGAL, J. (Oral)**

Instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing instructions dated 24.07.2019, Annexure P-4, issued by the Chief Secretary to submit the Sports Gradation Certificate as per notification dated 25.05.2018, Annexure P-9.

At the outset, State counsel submits that the matter has been settled by the Division Bench of this Court in ***LPA-1332-2019, titled as State of Haryana Versus Shankar***, decided on 09.10.2020. While deciding a bunch of appeals, the Division Bench held as under:-

*“34. From the foregoing discussion, the following observations emerge out:-*

*(i) The candidates, who had applied for Group-D posts under the ESP Category, in pursuance of the advertisement No.4/2018 dated 25.05.2018 and have been selected accordingly, are required to submit the requisite Sports*

*Gradation Certificates duly issued in terms of the new Policy dated 25.05.2018. However, it is clarified that the modified Policy, notified on 15.11.2018, shall not be applicable to the cases of such candidates because of its having been published after the date of the said advertisement and rather, even after the expiry of the last date for the submission of the application forms for the said posts.*

*(ii). The Certificates issued to or sought to be issued by the selected candidates under the old instructions dated 30.11.1993, will not be relevant/valid at all for ascertaining their eligibility for the Group-D posts under the ESP Category, as advertised on 25.08.2018.*

*(iii). Letter dated 24.07.2019, i.e Annexure P8, issued by the office of the Chief Secretary to Government of Haryana, requiring the selected candidates, who had not submitted the requisite Sports Gradation Certificates, as duly issued under the new Policy due to lack of awareness, does not suffer from any illegality and rather, it is an attempt on the part of the respondent-State to safeguard the interest of the otherwise eligible candidates by granting them concession to submit the said Certificates at such a later stage.*

*(iv). Keeping in view the afore-mentioned gesture of the respondent-State, we are of the view that it will be in the interest of justice as well as in the fitness of the things if the*

*candidates, selected for Group-D posts under the ESP category, are given a period of 15 days from the date of this order to apply for the issuance of the afore-said requisite Gradation Certificates in terms of the new Policy notified on 25.05.2018 and the competent authorities shall decide/ascertain their claim for issuance of the said certificate within a period of one month thereafter.*

*(v) However, it is also clarified here that in case the services of any candidate are terminated on account of his/her being ineligible for the issuance of the Sports Gradation Certificate in terms of the new policy dated 25.05.2018, such termination will not be construed to be stigmatic.”*

State counsel submits that Special Leave Petitions preferred by some of the candidates against the above said judgment have been dismissed by the Hon’ble Supreme Court.

Faced with this, counsel for the petitioner submits that the petition has become infructuous.

Dismissed as having been rendered infructuous.

(SUVIR SEHGAL)  
JUDGE

12.04.2023  
Pardeep

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |