

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

119

CWP-130-2024

Date of Decision :08.01.2024

Babita**...Petitioner****Versus****State of Haryana and another****....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Ritesh Aggarwal, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the claim of the petitioner for appointment to the post of Junior Coach (OSP) under the Haryana Outstanding Sport Person (Group A, B & C), services Rules 2021 has been declined by the respondents vide impugned order dated 08.11.2023 (Annexure P-11) on the ground that the claim of the petitioner is not covered keeping in view the Rule 4 (c) (ii) of 2021 Rules.

2. Learned counsel for the petitioner argues that the main contention for rejection the claim of the petitioner is that the petitioner has not participated in international games due to which he is found ineligible for the appointment in question. Learned counsel for the petitioner further submits that while interpreting 2021 Rules, qua the petitioner, the Rule 4 (c) (ii) of the 2021 Rules is being interpreted to mean that the only international

participation is to be taken into consideration whereas while interpreting the same Rules in the case of the similarly situated sports persons, who had participated in the national games and had also secured position, they have already been found entitled for the appointment and the said benefit has already been extended to them.

3. Learned counsel for the petitioner also submits that interpreting the Rule 4 (c) (ii) of the 2021 Rules in a particular manner in the case of the petitioner is totally discriminatory in nature.

4. Notice of motion.

5. Mr. Harish Nain, AAG, Haryana, accepts notice on behalf of respondents-State and submits that keeping in view the instruction received from the department concerned, the impugned order dated 08.11.2023 (Annexure P-11) may kindly be treated as withdrawn qua petitioner with liberty to pass a fresh appropriate order and while passing fresh order grievance of the petitioner that Rule 4 (c) (ii) of the 2021 Rules has already been interpreted to mean that where a sport person had participated in the national games has been treated eligible, and had already been granted the benefit of appointment, will be considered and an appropriate decision will be taken as to whether in the facts and circumstances and the procedure/interpretation of the department qua 2021 Rules on an earlier occasion, petitioners is entitled for relief or not.

6. Learned counsel for the respondents further submits that fresh order will be passed qua the entitlement of the petitioners under the 2021 Rules on the merits and facts which exists and without being influenced from the impugned order already passed and the said order will be passed within a period eight weeks from the date of receipt of certified copy of this

order.

8. Learned counsel for the petitioner submits that the petitioner be given an opportunity to give the details of the candidates who had participated in the national games and have been found eligible under 2021 Rules for the consideration of the respondents and have already been appointed so that appropriate fresh order could be passed on the claim of the petitioner.

9. Learned counsel for the respondents submits that any document/fact which will be brought to the notice of the authorities concerned to support the claim of the petitioner will be taken into consideration while passing the fresh order qua the claim of the petitioner.

10. Learned counsel for the petitioner submits that keeping in view the statement made by learned State counsel recorded hereinabove, the present petition may kindly be disposed of having been not pressed any further.

11. Ordered accordingly.

January 08, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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