

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119)

CWP No. 995 of 2024
Decided on : 16.01.2024**Manoj Kumar and another****...Petitioners****Versus****State of Haryana and others****... Respondents*****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

PRESENT: Ms. Prarthana Duggal, Advocate for the petitioners.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J.(Oral)

1. In the present petition, the grievance being raised by the petitioners is that the claim of the petitioners 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 07.11.2023 (Annexure P-1) on the ground that the claim of the petitioners is not covered keeping in view the Rule 4 (c) (ii) of 2021 Rules.

2.. Learned counsel for the petitioners argues that the main contention for rejection the claim of the petitioners is that the petitioners have not participated in international games due to which they are found ineligible for the appointment in question. Learned counsel for the petitioners further submits that while interpreting 2021 Rules, qua the petitioners, 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, learned Assistant Advocate General, 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received from the department concerned, the impugned order dated 07.11.2023 (Annexure P-1) may kindly be treated as withdrawn qua petitioner with liberty to pass a fresh appropriate order and while passing fresh order grievance of the petitioners that Rule 4 (c) (ii) of the 2021 Rules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 petitioners submits that the petitioners 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 petitioners.

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 petitioners will be taken into consideration while passing the fresh order qua the claim of the petitioners.

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

11. Ordered accordingly.

January 16th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*