

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(226)

CWP No. 11632 of 2019

Date of Decision : 04.04.2024

Dharm Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anurag Jain, Advocate
(Joined through Video Conferencing) with
Mr. Rahul Dahiya, Advocate (present in the Court)
for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 18.04.2019 (Annexure P-6) by which, the petitioner has not been granted the appointment in a Group-D post keeping in view the Haryana Outstanding Sports Person (Recruitment and Conditions of Service) Rules, 2018 (hereinafter referred to as '2018 Rules').

2. Learned counsel for the petitioner argues that the petitioner participated in Asian Para Games (APG) in the year 2010 which was held in China and as per the certificate issued to him, he had participated in the semi final round hence, keeping in view the Schedule-1 of the 2018 Rules, petitioner is entitled for appointment to a Group-C post.

3. Upon notice of motion, the respondents have filed the reply, wherein, it has been mentioned that though the petitioner participated in the Asian Para Games held in the year 2010 in China but the petitioner only participate in heats only and was placed last in his heat and was the last competitor to clear the finish line, hence, it cannot be said that the petitioner reached semi final.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It may be noticed that 2018 Rules have been framed to acknowledge the real sportsman, who have achieved laurels for the Country so as to grant them appointment. In the present case, though it can be said that even participating in the Asian Para Games is a big achievement but whether, the same is good enough to be considered for the grant of benefit of appointment under 2018 Rules, is to be adjudicated.

6. Under 2018 Rules, a sports person, who has reached upto quarter final or above, is entitled for consideration for the grant of appointment. In the present case, it has already come on record in the impugned order itself that the petitioner participated in two events i.e. 200 meters in T-13 Category and 400 meters T-13 Category in Athletics in the Asian Para Games held in the year 2010. In both the events, the petitioner only participated in a heat and was the last candidate to clear the finish line.

7. In these circumstances, it cannot be held that the petitioner participated upto the semi final so as to gain eligibility under 2018 Rules to claim appointment against a Group-C post. Even though, in the certificate, which has been issued to the petitioner qua the said participation, it is mentioned 'semi final' but the same is keeping in view the number of sports person participated in the said event and the heats undertaking to identify the participant for final. Only two heats were held and the petitioner failed to clear his heat to reach the final.

8. Keeping in view the factual position explained, it cannot be treated that the petitioner reached upto the semi final stage of the said event to claim eligibility for appointment under 2018 Rules. More participation in one heat and that too when petitioner stood at last position, will not entitle him to contend that he is eligible for appointment to 'Group-C' post under 2018 Rules.

9. No ground is made out for any interference by this Court in the present petition.

10. Dismissed.

April 4th, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No