

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14471-2024
DECIDED ON: 14.06.2024

MANRAJ SINGH CHATHA ...PETITIONER

V/S

PANJAB UNIVERSITY AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL
HON'BLE MR. JUSTICE DEEPAK GUPTA

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

Mr. Akshay Kumar Goel, Advocate
for respondent Nos.1 and 2.

Mr. Sanjiv Ghai, Advocate
for respondent No.3.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. This Court has been approached to exercise its extra-ordinary writ jurisdiction bestowed under Articles 226/227 of Constitution of India to issue a writ of mandamus directing respondent No.3 for grant of Sports Gradation Certificate enabling the petitioner to get admission in B.A./ B.Com (Hons.) L.L.B. (5 Years Integrated Course) in Punjab University, Chandigarh for the Session 2024-25.
2. The respondent No.3-Department of Sports, Union Territory, Chandigarh has denied on 11.06.2024 the said certificate without assigning any reason to the application submitted by the petitioner whereby even no formal order has been passed though orally informed that since he was studying in 10+2 at SAS Nagar, Mohali, he is not entitled for Sports

Gradation Certificate from the Sports Department, U.T., Chandigarh.

Thereafter, the petitioner is stated to have approached the Govt. of Punjab but it also denied the same on the surmise that since he has played and participated in the concerned sport i.e. Shooting for Union Territory, Chandigarh Administration, the necessary certificate on that account can be issued only by the concerned State and not by any other State.

3. It is at this juncture when the petitioner again approached respondent No.3, the stand was same and Sports Gradation Certificate has not been issued so far which compelled the petitioner to approach this Court by instant writ petition.

4. Since the admission process has already commenced in the Punjab University for the course of B.A, B.Com (Hons.), L.L.B (5 years integrated course), the Vacation Bench issued notice of motion on 12.06.2024 considering the urgency of a young aspiring student.

5. This Court, in order to expedite the adjudication in the light of question involved, asked the Joint Director, Department of Sports U.T. Administration Chandigarh to come present in the Court on 13.06.2024, in response to which, Dr. Sunil came present and filed reply on its behalf which was taken on record and copy of the same was furnished to the counsel for the petitioner. After proceedings for a considerable time on the issue, the Joint Directors, Sports Department, U.T, Administration Chandigarh, sought time to do the needful and on his request, the matter was again deferred to 14.06.2024.

6. To our utter dismay, instead of considering the case of the petitioner as per law, Senior Officer of the Sports Department U.T. Administration Chandigarh, who himself sought time to do the needful,

came out with a speaking order dated 13.06.2024 itself denying the issuance of Sports Gradation Certificate to the petitioner on the same lines as was averred in the written statement and submissions made before this Court on 13.06.2024 which is nothing less than repetition of the stand after which he requested for time as noticed hereinabove.

7. A copy of the speaking order dated 13.06.2024 produced today in Court by respondent No.3 is taken on record as Document A.

8. Before proceedings ahead, it would be appetite to reproduce the orders passed by this Court dated 12.06.2024 and 13.06.2024 which would be material enough to crystallize the directions in which the proceedings were taking place to demonstrate as to why this Court was shocked and rather at pain seeing the conduct of the officer who is present in Court today as well.

12.06.2024

“Learned counsel appearing on behalf of Department of Sports, U.T., Chandigarh seeks time to get necessary instructions particularly on the issue that the petitioner has not played for the U.T.,Administration team in the game of Rifle/Shooting in the National Championship who has actually represented the Chandigarh Rifle Association Team in the event conducted at the National level by the National Rifle Association of India and therefore, gradation certificate can’t be issued while relying upon letter/policy dated 5.5.2003.

Notice of motion.

Joint Director Sports, Department of Sports, U.T.,Chandigarh is directed to come present in Court tomorrow at 11.00 a.m. Alongwith comprehensive reply to the present petition including specifically on the issue raised hereinabove.

Adjourned to 13.06.2024.

13.06.2024

Reply has been filed on behalf of respondent No.3, which is taken on record. A copy thereof has been supplied to the counsel opposite.

Dr. Sunil, Joint Director Sports, Department of Sports, UT Chandigarh has come present. He seeks time to do the needful. On his request, adjourned to 14.06.2024.”

9. The passing of speaking order dated 13.06.2024 bearing No. 3472 though without any endorsement or memo/diary number shows high handedness of the authorities which are duty bound to act without any arbitrariness and unfairness as a socialistic welfare state to further justice to the aggrieved i.e. the petitioner, young sportsmen who is aspiring to take admission in B.A./B.Com (Hons.), L.L.B (5 years integrated course) in the premier institute i.e. Panjab University, Chandigarh.

10. On behalf of the petitioner, it is argued that he passed the matriculation examination from the Indian Certificate of Secondary Education (ICSE) in Grade A and Senior School Certificate from Central Board of Secondary Education (CBSE) as well in high grade having secured A-1 in physical education and health & physical education respectively wherein got A-2 in accountancy, business studies, work experience and general studies apart from Grade B-1 and B-2 in English Core and Economics, while reference has been made to Annexures P-1 and P-2 in support thereof.

11. It is further submitted on his behalf that the petitioner participated in various sports competition at State as well as National level held at different venues from time to time in the game of shooting which is

supported by certificates of participation and excellence (Annexures P-3 to P-9 respectively) through Chandigarh Rifle Association, Chandigarh.

12. Counsel for the petitioner would also submit that being an outstanding sportsman he aspired to get admission in B.A./ B.Com (Hons.) L.L.B. (5 Years Integrated Course) in Punjab University, Chandigarh for the Session 2024-25 and appeared in the entrance test which took place on 28.04.2024. It is further his case that there is high probability of being successful in getting the admission under 5% of the total seats reserved for the sports category, however, for getting weightage of sports and admission under that category one has to produce a Sports Gradation Certificate which is to be issued by the Sports Department of the concerned State for which the petitioner has played. While concluding the arguments with the backdrop of above narrated aspects, the action of respondent No.3 is assailed which has denied the issuance of Sports Gradation Certificate while relying upon the policy dated 05.05.2003, particularly Para 2 (a) stressing upon the same to be arbitrary and illegal as well as irrational.

13. At the same time, Mr. Sanjiv Ghai, Standing Counsel for respondent No.3-Sports Department, U.T., Chandigarh makes a valiant attempt to justify the speaking order dated 13.06.2024 and reasons recorded therein. In support of his arguments, he has taken the Court to the said policy/letter dated 05.05.2003 (Annexure R-3/1) and submits that since the case of the petitioner does not fall within para 2(a) of the said policy, the Sports Gradation Certificate cannot be issued to him. The bone of contention of Mr. Ghai, has been that the benefit of reservation under this category shall be available only to such category of students who passed their qualifying examination from school/ Colleges, recognized by the Chandigarh

Administration and situated in the Union Territory of Chandigarh as a regular student of the said school/college, who have studied in Chandigarh school/colleges for atleast two years before applying for gradation certificate, subject to the condition that such students must represent Chandigarh State/Schools etc in the National/other recognized tournaments. Another argument raised by Mr. Ghai is that the Sports Department, U.T., Chandigarh Administration do not issue Sports Gradation Certificates for the event in which a player participated through the Association but it is available only to those sportsman who have represented the Chandigarh team, U.T., Chandigarh Administration.

14. No other argument has been raised by either of the parties to the present *lis*.

15. Heard learned counsel for the parties and have examined the record placed before this Court.

16. The admitted facts in short to avoid any brevity can be culled out as the petitioner has passed his matriculation and senior secondary certificate examination from ICSE and CBSE, respectively while studying at Yadvindra Public School, SAS Nagar, Mohali. He has participated in the National Competitions in the game of shooting as well as State Championship while representing Chandigarh (U.T. team) at different levels from time to time and has been decorated with certificates of merit dated 29.12.2022, 31.07.2023, 26.12.2023 and 25.05.2024, (Annexures P-3 to P-9), respectively. While seeking admission in the B.A./B.com (Hons.)/LLB five years integrated course in Punjab University, Chandigarh, he required gradation certificate for achievements in the game of shooting so that the benefit of 5% of reserved seats under sports category can be availed by him.

Accordingly, applied to the sports department, U.T., Chandigarh Administration. The said gradation certificate has been denied by respondent No.3- U.T., Chandigarh Administration on the sole ground that the petitioner has not passed the qualifying examination from school/college recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh as a regular student, for atleast two years before applying for gradation certificate.

17. In the light of aforesaid enunciated aspects we feel the necessity of reproducing the whole policies hereinbelow:-

“ From

*The Home Secretary, Chandigarh Administration
To*

- 1. All the Administrative Secretaries in
Chandigarh Administration.*
- 2. All Head of the Departments in Chandigarh
Administration.*

Dated, Chandigarh, the

*Subject: Policy regarding reservation of seats in admission to
Educational/Technical/Medical Institutions under the control of
the Chandigarh Administration.*

*I am directed to refer to this Administration letter
No.19/111/3/93//IH(3)/8019 dated 7-5-1993 on the subject cited
above and to say that after careful consideration the
Chandigarh Administration has decided to revise the criteria
for the grant of Sports Gradation Certificate(s) according to
entitlement as under:-*

- 1. Two percent of total number of seats in each
course shall be filled up with Sportsmen/Sportswomen. These
two percent seats shall be reserved in each branch of
engineering/non-engineering courses in the Institutions on the
basis of total intake of each branch and fraction of 0.5 or
above, shall be rounded off to the next higher number, subject*

to amendments by the concerned Department. This category shall not be divided into U.T Pool/General pool. The inter-merit of the candidates seeking admission in any course in the reserved category of sports shall only be determined on the basis of their merit in sports as per grading criteria mentioned in the succeeding paragraphs. In case any of the seats in the sports category in any of the branches remains unfilled, the same shall be thrown open to the candidates belonging to general category. This policy is for the players of the Chandigarh only.

2. Benefit of reservation under this category shall be available only to the following category of students:-

(a) Who pass their qualifying examination from Schools/Colleges, recognised by the Chandigarh Administration and situated in the Union Territory of Chandigarh, as a regular student of the said School/College, who have studied in Chandigarh School/Colleges for atleast two years before applying for gradation certificate, subject to the condition that such students must represent Chandigarh State/ Schools etc. in the National/other recognised tournaments.

(b) Where Chandigarh Administration has adopted the notification of other States/U.T. on reciprocal basis, to give benefit of reservation in admission in sports category in Chandigarh, they will be graded as per existing policy of the Chandigarh Administration.

(c) Countersigning of the Gradation certificates shall only be admissible on reciprocal basis provided that countersigned certificates will be graded as per policy of the Chandigarh Administration.

Gradation Policy to issue Sports Gradation Certificate on the basis of achievements of the player.

The merit of certificates shall be graded as 'A', 'B' 'C' 'D' in descending order as per following sub-para

GRADE 'A'

Sportsmen/ Sportswomen of International standing i.e. those who have represented India/donned India colour in the following International Tournaments/Meets/ Championships/ Competitions etc:-

(i) Olympic Games

(ii) a) World Cups/ Championship/ Tournaments in respective games, organized by the International Federation(s) at the highest level.

(b) Test Matches/One day/ International Matches in Cricket. Grand Slam/ Davis Cup in Tennis.

(iii) Commonwealth Games.

(iv) Asian Games.

GRADE 'B'

Sportsmen/Sportswomen who have participated in the following Tournaments/Competitions/ Championships etc:-

(i) World Universities/ International tournaments/ games other than those mentioned under Grade 'A' for where atleast 10 teams took part.

(ii) Asian Federation Cup/Tournament/Championship/ SAF Games.

(iii) Asian School Games (atleast eight teams took part)

(iv) First three positions in Recognised National Championships/Inter-State Championship organised by the National Federation.

(v) All India Combined Universities Team, which participated in the Nehru/Senior National Tournaments.

1. First three positions in All India Inter-versity tournaments organised by the AIU.

(vii) Participation in International Meets/Championships for Juniors, conducted by the concerned International organisation.

(viii) First three positions in the National School Games organised by the SGFI.

(ix) First three positions in the National Championships for Juniors organized by the concerned Federation/ All India Rural Sports Meet organized by the SAL

GRADE 'C'

(i) *Participation in Senior Nationals/ Inter-University Tournaments/ Federation cup/organised by the Federation/AIU*

(ii) *Participation in Junior National Championship/ National School Games KVS National team participated in the National School Games.*

(iii) *First three positions in the recognised Chandigarh State Championships in Seniors provided minimum 7 teams participated.*

(iv) *First three positions in the Panjab University Inter College Tournaments provided minimum 7 teams participated.*

(v) *First three positions in the recognised Chandigarh State Championships for Juniors provided minimum 7 teams participated.*

1. *First three positions in Chandigarh Inter-School tournaments conducted by the Sports Deptt./ KVS National Tournaments for Seniors and Juniors, provided minimum 7 teams participated.*

Provided that a sportsperson, who intends to get benefit of clause (i) & (ii), must have obtained first three positions in the respective State/Inter-College/Inter School/KVS Nationals.

GRADE 'D'

(i) *Participation in the Senior National Championships/National Games.*

(ii) *Participation in the recognised Junior National Championships,*

(iii) *Participation in the National School Games*

Provided:

Gradation will be done in case of sportsperson taking part in the Nationals without obtaining any position in the State.

No gradation for State participation.

IMPORTANT: *Only 'A','B','C' and 'D' Grade will be awarded Inter-se Seniority/Ranking/Grading will be decided by the*

concerned Institution itself. In the matter of rating, inter-se, the performance of the same grade will be given in the following descending order, namely:-

- a) Record Holders in any event.*
- b) Winners.*
- c) Runners up.*
- d) Third position holders.*
- e) Number of times participated.*
- f) Number of disciplines participated*

Note:

1. Regarding Senior and Junior Tournaments/ Championships, Senior shall have precedence over Junior. Further, Junior and School championships will be considered at par.

2. If there is a tie within the same category, the same shall be resolved by considering the academic merit of the sports person. In case of a tie again, the same shall be resolved by considering the seniority in age.

Performance shall only be considered for the purpose of admission against this category provided that the Association/ Federation holding the tournament should be affiliated/ recognised by the National Federation of the concerned game. Performance in the following Sports disciplines will only be considered for the purpose of Sports Gradation Certificates:

- 1 Athletics*
- 2. Archery*
- 3. Badminton*
- 4. Basketball*
- 5. Boxing*
- 6. Cricket*
- 7. Chess*
- 8. Cycling*
- 9. Fencing*
- 10. Football*

- 11. Golf*
- 12. Gymnastics*
- 13. Handball*
- 14. Hockey (Men and Women)*
- 15. Judo*
- 16. Kabaddi (N.S)*
- 17. Kayaking and Canoeing*
- 18. Shooting*
- 19. Squash*
- 20. Swimming*
- 21. Rowing*
- 22. Table Tennis(TT)*
- 23. Tennis*
- 24. Volleyball*
- 25. Weightlifting*
- 26. Wrestling*

Students seeking admission to this category shall be considered only:-

(a) If his/her age falls within the age group which is eligible for participation in Inter College/ Inter-University tournaments

(b) If his/her achievement in sports relates to his/her activity in any of the three years preceding to admission.

(For example, for admission in the year 2003-2004, the achievements shall not be prior to the 1st April, 2000.

(c) Gradation Certificate will not be meant for employment purposes.

NOTE

1. No Sports Gradation shall be issued to the players, who have participated in Mini/Sub- Junior (under 15 years of age)/open/Ranking tournament/memorial tournament and invitational events.

2. Only those certificates issued by the concerned Sports Federations/ Associations as properly signed in Ink by atleast one of the office bearers of the respective Sports

Federation/Associations. The position holders certificate(s) issued by the State Association must have photograph attested by the concerned association with serial number. The application shall be entertained only when received through an affidavit affirming the authenticity of the claim(s) duly attested by the Magistrate(1st Class) on non-judicial stamp paper worth Rs.3/-.

3. In the context of Individual events/ Team Games position achieved will be considered only if it has been achieved through a competition with seven or more competitors/atleast seven units i.e. for State, Senior, Junior/Inter College.

(a) International Tournaments for Senior and Junior organised by the International Federation of that discipline and where atleast 10 countries have participated, other than those mentioned against Grade-A. Cricket will be excluded from this.

(b) Atleast 10 States/ Universities for Nationals i.e. Senior/Junior and All India Inter-Versity, respectively, shall take part for gradation purposes.

4. The applicants shall be interviewed and may also be given field test(s) in the discipline(s) concerned to ascertain the genuineness of the testimonial(s)/ certificate(s) which they produce in support of their claim(s), to make the grading of the candidate(s) not merely on the basis of the certificate(s) but after due examination and verification.

5. The Director Sports, Chandigarh Administration, or his nominee, not below the rank of the Joint Director Sports will issue the certificate, and also have the authority to cancel any certificate at any time, if it is found to have been issued on false/incorrect/concealed motion or record.

6. Sports Gradation will be used for admission in

Colleges/Professional Colleges but the Director Sports or his nominee as aforementioned shall not be made party in case of non-acceptance of the certificate (s) by the admitting authority

7. The Committee for screening, interviewing, ascertaining the claim on the basis of physical performance/considering the sports certificate(s), grading shall consist of the following, namely

1. Director Sports/Additional Director Sports Union Territory, Chandigarh Chairman.

2. Joint Director Sports Union Territory, Chandigarh Convenor.

3. Director Technical Education (or nominee), Union Territory, Chandigarh Member

4. DPI(Colleges) (or nominee), Union Territory, Chandigarh, Member

5. Eminent Sports personality nominated by Sports Department (on yearly rotation basis)

6. District Sports Officer, Union Territory, Chandigarh Member

7. Coach of the concerned game Member

IMPORTANT:

Screening/Trials/Meeting for issuance of Gradation certificate will be held on quarterly basis. It may be done on monthly basis if need be with the prior approval of the competent authority as a special case.

In case of any doubt or clarification about this criteria the decision of the Secretary Sports, Chandigarh Administration, shall be final.

Joint Secretary Tech. Edu.

for Home Secretary, Chandigarh Administration.

Endst. No. 19/1/3/93/1H(3)/2003/ 8494 Dated:- 5/5/2003

A copy is forwarded to all the Administrative branches in U.T.Secretariat, Chandigarh.

Joint secretary Tech.Edu.

for Home Secretary, Chandigarh Administration.”

18. Now to test the applicability of aforesaid policy letter, the reasons recorded in the speaking order vide which the gradation certificate has been denied would also be equally pertinent to be imprinted hereinbelow:-

“Whereas, Sh. Manraj Singh Chatha submitted the Online Application on 13.06.2024 (at 3:14 pm) for issuance of sports gradation certificate and also appeared before the screening committee for interaction and physical verification of documents. At the time of physical verification of documents the applicant-Manraj Singh Chatha did not claim any gradation on the basis of certificates dated 25.05.2024 (Annexure P-7 and P-8 with the writ petition) nor the said certificates have been uploaded alongwith the online application form submitted by the applicant on 13.06.2024 for verification. The documents of the applicant were verified and it was found by the committee that as per the Admit Card of the applicant for Class 12th CBSE Examination 2024 uploaded by the applicant with the Online Application dated 13.06.2024 and the result card of Class 12th Examination annexed with the writ petition as Annexure P-2, Sh. Manraj Singh Chatha has passed his class 12th examination in the year 2024 from CBSE from Learning Paths School, Sector 67, Mohali, Punjab. Thus, the applicant having not studied and passed the 12th Class examination from any school recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh, as a regular student of the said

school, the applicant does not fulfill the condition laid down in para 2(a) of the policy dated 05.05.2003 for grant of the sports gradation certificate(s) according to entitlement in U.T., Chandigarh. The said Clause (a) of para 2 of the policy dated 05.05.2003 reads as under:-

“(a) Who pass their qualifying examination from Schools/Colleges, recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh, as a regular student of the said School/College, who have studied in Chandigarh school/Colleges for atleast two years before applying for gradation certificate, subject to the condition that such students must represent Chandigarh State/Schools etc. in the National/other recognized tournaments.”

Whereas, the object of the eligibility condition contained in the policy dated 05.05.2003 to the effect that the student must have passed the qualifying examination from school/college recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh as well as regular student of the said school/college is to recognize the sports achievements of the regular students of the school(s)/College(s) recognized by the Chandigarh Administration and situated in UT Chandigarh and to grant them the sports gradation certificates in order to enable them to seek further admissions in the educational institutions on the basis of their achievements in sports. Thus, in case the sports gradation certificates are issued to the applicants who have not passed the qualifying examination as regular students of the schools recognized by the Chandigarh Administration and situated in U.T. of Chandigarh, then the applicants from all over the country who have studied and passed the qualifying examination from other States but have played a sports discipline through any Autonomous Sports Association of the

concerned sport would start claiming the grant of Sports Gradation certificate.

As such the screening committee has found the petitioner to be not eligible for the grant of sports gradation certificate as per Clause (a) of para 2 of the policy dated 05.05.2003 ibid as the applicant has studied his 10+2 examination from the School situated in Mohali in the State of Puniab and has not passed the qualifying examination from school recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh as a regular student of the said school. Thus, the sports gradation certificate cannot be issued to the applicant Sh. Manraj Singh Chatha by the Sports Department of U.T., Chandigarh.

In view of the above the screening committee having found the applicant Sh. Manraj Singh Chatha to be ineligible and having decided that the sports gradation certificate cannot be issued to him, the application dated 13.06.2024 of the applicant Sh. Manraj Singh Chatha for grant of gradation certificate is hereby rejected.”

19. A perusal of the above reproduced order crystallize the only reason for rejection of gradation certificate is that according to policy dated 05.05.2003 para 2 (a), the petitioner is not entitled for the same since he was not a regular student of the schools/colleges recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh.

20. There is no dispute to the fact that the petitioner was not a regular student from any of the schools/colleges recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh as is the requirement stipulated in para 2(a) of the policy dated 05.05.2003, however, it is also an admitted fact that the petitioner has represented the Chandigarh team through the Chandigarh Rifle Association,

Chandigarh, which is affiliated to the National Rifle Association of India in the State Championship as well as at the National Level on various occasions i.e. to say in the year 2021 in the 45th Chandigarh State Shooting Championship in the year 2022, 65th National Shooting Championship Competitions in Pistol Events (Individual) in the year 2023, 48th Chandigarh State Shooting Championship and in 2023 itself participated in the 66th National Shooting Championship Competitions in Pistol Events, which is supported by due certificates issued by the concerned sports bodies at Annexures P-3 to P-9 respectively.

21. Further, he participated in the year 2022 in the 47th Chandigarh State Shooting Championship.

22. The Chandigarh Rifle Association through which the petitioner has played at the State and National Level for the Chandigarh team is affiliated to National Rifle Association of India and Chandigarh Olympic Association. It is worth noticing here that the Chandigarh Olympic Association is also a body recognized and affiliated to the Indian Olympic Association through which outstanding sportsmen represent the country in the Asian Games, Common Wealth Games as well as Olympic Games and, therefore, the participation of the petitioner needs to be well recognized and appreciable. One should not loose its sight to the fact that participating and representing a State only entitles a sportsmen to play for the country at the highest level in the international arena and, therefore, the petitioner needs to be treated with as a class apart for which provisions are made not only for the purpose of admissions in the academic courses but also in the Government Departments for public appointments by keeping seats reserved under Sports Category.

23. It is under this category the present petitioner is aspiring to seek admission in the BA/B.Com (Hons.), LLB (5 years interpreted course) in the Panjab University at Chandigarh for the Sessions 2024-25. We are fully conscious to the stand taken by respondent No.3 that the case of the petitioner do not fall under the policy dated 05.05.2003 which needs to be tested by this Court. It is in this endeavour, the aforesaid policy letter was read over with the help of Mr. Sanjeev Ghai, learned Advocate for respondent No.3 who vehemently pressed upon Para 2(a) but for better understanding the purpose and object of this letter would be of much more importance and for that reason the letter issued to the authorities and the subject of the same are quiet important to be taken note off. This policy letter is issued to firstly all the administrative secretaries in Chandigarh Administration and secondly to all the Heads of Department in Chandigarh Administration which is not issued to any of the Educational Institutions recognized by the Chandigarh Administration or to Panjab University which is not recognized to the Chandigarh Administration nor respondent No.3 has any kind of control over this University.

24. Now coming to the subject that is in clear words is only confined to reservation of seats in admission to Education/Technical/Medical Institutions under the control of the Chandigarh Administration and for that purpose criteria for the grant of Sports Gradation Certificate(s) has been carved out.

25. A plain reading of the subject encrypted in the policy letter dated 05.05.2003 makes it abundantly clear that this policy letter is confined to reservation of seats in such institutions which are under the control of Chandigarh Administration and para 2(a) has a nexus with the said object

directly wherein the benefit of reservation shall be available only to such category of students who pass their qualifying examination from schools/colleges recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh as a regular student for atleast two years before applying for the gradation certificate further subject to the condition that such student must represent Chandigarh State/Schools etc. in the National/other recognized tournaments.

26. This policy provides for reservation for admission under Sports Category in the schools/colleges recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh whereas in the case in hand the petitioner is not seeking admission to any of the schools/colleges of the Union Territory of Chandigarh but in the Panjab University, Chandigarh which is not under the control of Chandigarh Administration and as such, the argument on behalf of respondent No.3 is totally misplaced and is a result of either misreading or misrepresenting the policy letter dated 05.05.2003 before this Court which do not find favour with us. There is no bar coming forth in this policy letter or from any other document before this Court that the Sports Department, Chandigarh Administration cannot issue Sports Gradation Certificate at all to a sportsman who has represented the Chandigarh team but studied in schools/colleges of other States as is the proposition involved in the case in hand wherein the petitioner was studying in the State of Punjab at SAS Nagar, Mohali but represented the Chandigarh Rifle Association at the State as well as National Levels on various occasions.

27. In fact a perusal of the policy dated 05.05.2003 reproduced hereinabove, convinces this Court that Union Territory, Chandigarh

Administration do recognize the game of shooting at No.18 in the note and also provides for grant of gradation certificate to such sportsman who represent the Chandigarh team in the competitions for games mentioned in the policy organized by Sports Federation such as is the case of petitioner who represented Chandigarh team through Chandigarh Rifle Association, Chandigarh, the relevant extract of which is Note (2) reproduced hereinbelow.

“2. Only those certificates issued by the concerned Sports Federations/ Associations as properly signed in Ink by atleast one of the office bearers of the respective Sports Federation/Associations. The position holders certificate(s) issued by the State Association must have photograph attested by the concerned association with serial number. The application shall be entertained only when received through an affidavit affirming the authenticity of the claim(s) duly attested by the Magistrate(1st Class) on non-judicial stamp paper worth Rs.3/-.”

28. Therefore, by any stretch of imagination the second argument on behalf of respondent No.3 does not hold good as the policy in itself relied upon by it provides for consideration of those certificates which are issued by Sports Federation of concerned sports discipline i.e. shooting in the instant case organized by the Chandigarh Rifle Association, Chandigarh. Hence, the petitioner is held to be eligible for consideration of certificates (Annexures P-3 to P-9) and any other such certificate for Sports Gradation Certificate, which is to be issued by respondent No.3.

29. It would be totally unjust, unfair, arbitrary and irrational to deny issuance of Sports Gradation Certificate to the petitioner on the pretext that he was not a student from the schools/colleges recognized by the Chandigarh Administration and situated in the Union Territory of Chandigarh despite the fact that he is not seeking admission in any of the institutions under the control of Chandigarh Administration.

30. In the light of above discussion, we, therefore, set aside the speaking order dated 13.06.2024 (Document A) which was passed during the pendency of the present writ petition and produced by respondent No.3 during the course of hearing today before this Court.

31. It is further directed that since the admission process to the B.A/B.Com (Hons.), LLB (five years integrated course) in Punjab University, Chandigarh, that necessary Sports Gradation Certificate as per entitlement shall be issued to the petitioner within a period of three days from the date of receipt of certified copy of this order.

32. Mr. Akshay Kumar Goyal, Advocate for respondents No.1 and 2, who is present in Court informs the Court that the process has not yet completed and, therefore, he is directed to convey the competent authority of the Panjab University, Chandigarh to keep one seat reserved for the petitioner subject to his eligibility and merit in case by the stipulated time the petitioner gets his gradation certificate, the process of admission is to be completed by the University.

33. The writ petition is allowed in the aforesaid terms.

34. Copy of this order shall be supplied to the counsel for the petitioner under the signatures of Bench Secretary of this Court.

(SANDEEP MOUDGIL)
JUDGE

14.06.2024

Poonam Negi

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(DEEPAK GUPTA)
JUDGE