



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CWP-15021-2024 (O&M)

Zorawar Singh Chaudhary
....Petitioner
Versus

Panjab University and others
..Respondents

2.CWP-16152-2024 (O&M)

Zorawar Singh Chaudhary
....Petitioner
Versus

Panjab University and others
..Respondents

Date of decision: 18.11.2024

CORAM: HON’BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Amit Sharma (Kanav), Advocate
Mr. Ajay Sharma, Advocate
for the petitioner (in both petitions)

Mr. Subhash Ahuja, Advocate
Mr. Karanveer Ahuja, Advocate
for respondent No. 1 and 2 (in CWP-15021-2024)

Mr. Sanjiv Ghai, Advocate
and Mr. Parminder S.Kaul, Advocate
for respondent No.3 (in CWP-15021-2024)

Mr. Akshay Kumar Goel, Advocate
for respondents (in CWP-16152-2024)

ANIL KSHETARPAL, JUDGE
1. Brief facts of the case:-

1.1 With the consent of the learned counsel representing the parties, two connected writ petitions namely CWP-15021 of 2024 and



16152 of 2024 filed by the same petitioner shall stand disposed of by this common order.

1.2 The petitioner aspires for admission in BA LLB (Five Years Integrated Course) 2024 in the Panjab University. He has studied in Bishop Cotton School Shimla and participated in Games organized by Chandigarh Kho Kho Organization and Kho Kho Federation of India. 5% of the total seats are reserved for admission for sports category as per prospectus issued on 28.04.2024 by Panjab University. The admission is based upon an entrance test and marks obtained in qualifying examination i.e 10+2. The petitioner applied for sports gradation certificate to Chandigarh Sports Department which has been rejected by the respondent on the ground that the petitioner does not fulfill the requirement of resident of Chandigarh as he has not passed the qualifying examination from school/college located in Chandigarh. Clause (a) of para 2 of the sports policy dated 05.05.2003 is extracted 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/college 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.”

1.3 It has also been stated in the written statement that the petitioner failed to submit online application counter signed by the Departmental Coach of the concerned sport and attested by Secretary of



the concerned Sports Association. At one stage, provisional sports gradation certificate was issued to the petitioner in accordance with interpretation in the Division Bench judgment of this Court dated 14.06.2004 passed in CWP-14471-2024, however, subsequently, the Administration refused to issue Sports Gradation Certificate as the Hon'ble Supreme Court has observed while dismissing the SLP has observed that the said judgment passed on 14.06.2004 shall not be treated as a precedent in any other matter. The order passed on 12.07.2024 is extracted as under:-

“1. In the peculiar facts and circumstances of the present case, we are not inclined to interfere with the impugned judgment and order passed by the High Court. The special leave petition is, accordingly, dismissed.

2. However, we clarify that the impugned judgment and order shall not be treated as a precedent in any other matter(s).

3. Pending application (s), if any, stand(s) disposed of.”

1.4 As per written statement filed by the University in CWP-16152 of 2024, the petitioner was advised to appear for skill and game performance test alongwith original documents for verification on 11.07.2024 at 10:00 am. However, the petitioner failed to submit the documents. He also failed to prove that Kho Kho Federation of India is affiliated to Indian Olympic Association. Hence, he stood disqualified for skill and game performance test.

2. Arguments put forth by the learned counsel representing the parties:-

2.1 Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.



2.2 Learned counsel representing the petitioner heavily relies upon the judgment passed by a Co-ordinate Bench of this Court in CWP-14471-2024 and submits that the petitioner was issued a provisional sports gradation certificate on 09.07.2024, however, subsequently, the Sports Department has refused to issue the certificate after the order passed by Supreme Court. He submits that the petitioner is entitled to sports gradation certificate because in his case, interim direction was passed by the High Court before the Supreme Court order.

3. Discussion by this Court:-

3.1 This Court has considered the submissions made by the learned counsel representing the parties.

3.2 No doubt, a Division Bench in CWP-14471-2024, (decided on 14.06.2024) directed issuance of sports gradation certificate to a student who had passed his qualifying examination from Mohali, however, the Supreme Court has observed that the judgment shall not be treated as a precedent in other cases as it was passed in the peculiar facts of the case. In view of the aforesaid, the judgment passed in CWP-14471-2024 is not a binding precedent.

3.3 Before issuance of the sports gradation certificate, the requirement of having passed the qualifying exam from school/college located in Chandigarh is not an unreasonable restriction; as preference on the basis of residence is accepted norm in view of the judgment passed by the Supreme Court in ***D.P.Joshi vs. State of Madhya Bharat and another AIR 1955 SC 334.***



3.4 Hence, the petitioner who studied from Bishop Cotton School, Shimla is not entitled to sports gradation certificate. As already noticed, the petitioner appeared for skill and game performance test on 11.07.2024, however, he failed to produce the requisite documents. Hence, the petitioner was disqualified from appearing in the performance test. He has not filed any reply controverting the aforesaid assertions.

4. Decision:-

4.1 Moreover, the classes for BA LLB course have already begun and the first semester examination is scheduled to be held w.e.f 02.12.2024.

4.2 Keeping in view the aforesaid discussion, the writ petitions lack merit and hence dismissed.

(ANIL KSHETARPAL)
JUDGE

18.11.2024

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Whether speaking/reasoned : Yes

Whether reportable : No

(SHEEL NAGU)
CHIEF JUSTICE