



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

235

CWP-10387-2022
Date of decision: 11.08.2025

SONU

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Jasbir Mor, Advocate
for the petitioner.

Mr. R.D. Sharma, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been instituted seeking the setting aside of the letter dated 21.04.2022, whereby the Sports Gradation Certificate No. HRH57/0050, dated 14.09.2018 and of Grade 'D', issued in favour of the petitioner, was cancelled. The petitioner further prays for issuance of directions to respondents No.3 and 4 to re-issue a Sports Gradation Certificate of Grade 'D' in recognition of his sporting achievement, namely, securing third position in the discipline of Yoga in the 43rd Haryana State School Sports Tournament held from 18.11.2008 to 21.11.2008.

2. The undisputed facts of the present petition are that, pursuant to Advertisement No. 4 of 2018, the petitioner applied for appointment to a Group 'D' post under the quota reserved for eligible sportspersons in the



BC-B category. The petitioner had participated in the State Championships organized by the Haryana State Yoga Association as well as in the State School Games Tournament in Yoga, organized by the Sports Department and Education Department, Haryana, and had secured positions in both the above events. At the stage of submitting his application, the petitioner placed reliance upon his sports achievement, namely, Certificate No. HRH57/0050, pertaining to his participation in the 33rd Haryana State Yoga Sports Championship, 2017-18, held on 2nd and 3rd September, 2017, at the Sports Complex, Faridabad, under the aegis of the Haryana State Yoga Association. The said certificate bears the date 14.09.2018.

3. On the strength of this certificate, the petitioner was considered eligible and was duly appointed by the respondents to a Group 'D' post. Subsequently, a controversy arose with regard to the authenticity and validity of Sports Gradation Certificates that had been appended by several aspirants for claiming eligibility. Allegations also surfaced that appointments had been extended by the respondent-State to certain individuals who did not possess valid sports gradation certificates in accordance with the prevailing Sports Policy. In the interregnum, the respondent-State had also notified a New Sports Policy mandating that every candidate seeking benefit under the category of Eligible Sportsperson (ESP) must obtain a fresh gradation certificate in consonance with the provisions of the new Policy. In light of the said developments, a series of writ petitions as well as Letters Patent Appeals came to be adjudicated and were disposed of by a common judgment dated 09.10.2020, rendered in LPA No. 1332 of 2019, titled State



of Haryana and another v. Shankar and others. The operative part of the directions issued by the Division Bench reads thus:-

45. CWP Nos. 19524 & 22829 of 2019 (Bunch-J) (2 cases)

In both these petitions, the petitioners are aggrieved for not being allowed by the respondents to join the duty on the ground that they have submitted the requisite certificates in respect of a different game than the one qua which they had uploaded the certificates at the time of applying for Group-D post. The Sports Gradation Certificates issued to the petitioners are annexed as P/11 in both these petitions. However, in case a candidate has achieved a recognizable level of performance in two or more games, then, he should not be deprived of the benefit on the ground as mentioned above because he can avail the benefit to apply and to get selected on the strength of excelling in any of such games which entitles him/her to obtain the requisite certificate especially in the circumstances when vide afore-said letter dated 24.07.2019, the selected candidates who had not submitted the requisite certificates earlier, were granted the concession to submit the same within the timeframe mentioned therein. Therefore, the respondents are directed to consider the Sports Gradation Certificates, i.e Annexure P-11 for ascertaining the eligibility of both the petitioners for the said posts in accordance with Law/Rules. In case these certificates are also not found to be issued in terms of new policy dated 25.05.2018, then the petitioners will be at liberty to apply for the issuance thereof as mentioned in para No.34 (iv)."

(Emphasis Supplied)



4. Learned counsel for the petitioner contends that, in terms of the directions issued by the Division Bench, all candidates were required to furnish fresh Sports Gradation Certificates in accordance with the provisions of the New Sports Policy. It was further clarified therein that a candidate would be at liberty to submit a fresh Sports Gradation Certificate pertaining not only to the same sporting event relied upon earlier but also in respect of any other event or tournament, provided such event had been held prior to the cut-off date prescribed for submission of applications under Advertisement No. 4 of 2018, namely 18.09.2018. It is further submitted that, pursuant to the aforesaid directions, the Haryana Staff Selection Commission, vide notice dated 21.02.2022, called upon the candidates to appear for scrutiny of documents, specifically stipulating that their candidature would be considered in light of the instructions received from the office of the Chief Secretary, subject to the condition that the achievements or tournaments reflected in the Gradation Certificates must pertain to events held prior to the last date of submission of the application form. The relevant part of the notice issued to the candidates reads thus:-

“It is for the information of all concerned candidates in continuation of earlier notice dated 12.02.2022 and in reference to the instruction received from Chief Secretary vide letter dated 02.02.2022, it is informed to the concerned candidates that gradation certificate issued before or after 31.10.2021 can be considered subject to condition that their achievement/games/tournaments mentioned in their gradation certificate should be gained/played before the



last date of submission of application form i.e 18.09.2018 against advt. No.4/2018 of Group-D.”

5. It is also undisputed that the office of the Chief Secretary to the Government of India in the Human Resource Department also issued instructions No. 42/09/2019-4GS/1 dated 10.05.2022 in which Para No.4 reads thus:-

Subject:- Clarification regarding reinstate/joining of Group-D employees on the basis of Sports Gradation Certificate which has been issued to them in view of Sports Policy dated 25.05.2018.

Sir/Madam

I am directed to invite your attention to Government letter of even number dated 10.11.2020 vide which it was decided that the services of Group D employees who did not produce their Sports Gradation Certificate upto 31.12.2020 under the Sports Policy dated 25.05.20218 would be terminated with immediate effect. The services of the Group D employees of ESP Quota who could not make available the Sports Gradation Certificates upto 31.12.2020 under revised Sports Policy 25.05.2018 were dispensed/terminated with by the Departments/Boards/Corporations concerned. Thereafter, vide even number dated 15.09.2021, it was decided to direct the Director, Sports and Youth Affairs Department. Haryana to issue Sports Gradation Certificate in terms of Sports Policy dated 25.05.2018 by 31.10.2021 positively in favour of such eligible



candidates/employees of Group-D whose representation and/or cases were pending at their level.

2. Now, lots of cases/representations have been received where candidates/employees (whose services were terminated due to non-submission of the Gradation Certificate as per policy dated 25.05.2018) have requested to reinstate them in department concerned on the basis of Sports Gradation Certificates which have been issued to them by Sports Department upto 31.10.2021 or thereafter. In some cases, Hon'ble High Court has also given directions to take decision in 30 days on the representation of candidates/employees.

4. In view of above, Government has considered the matter and it is directed to all departments/boards/corporations that the candidates who submit the Sports Gradation Certificates issued before 31.03.2022 may be re-appointed subject to the following terms & conditions:-

i) Sports Gradation Certificate should have been issued as per the Sports Policy dated 25.05.2018 and the games/achievements/tournaments should have been played before the closing date of submission of application for Group-D posts i.e. 18.09.2018.

ii) Sports Gradation Certificate shall be verified from the Sports & Youth Affairs Department for which department/board/corporation concerned will send the Gradation Certificate to Sports Department before re-appointment and also



intimate to the Haryana Staff Selection Commission.

iii) Sports Gradation Certificate issued on the basis of different game/tournament can also be considered in view of Hon'ble High Courts' dated 09.10.2020 in CWP No. 19524 & 22829 of 2019 subject to verification of Gradation Certificate from the Sports & Youth Affairs Department and such game /tournament should have been played before the closing date of submission of application of Group-D i.e. 18.09.2018.”

(Emphasis Supplied)

6. It is submitted that the office of the District Sports and Youth Affairs, Hisar, thereafter, vide Memo No. 1518 dated 21.04.2022, proceeded to cancel the petitioner's Sports Gradation Certificate No. HRH57/0050 dated 14.09.2018, which pertained to the game of Yoga and was based upon his achievement in the 33rd Haryana State Yoga Sports Championship. The ground cited for cancellation was that the Haryana State Yoga Association, being the concerned Sports Federation, as well as its National Federation, were not recognized or affiliated with the Indian Olympic Association. Consequently, the Sports Gradation Certificate issued in September 2018 was cancelled by the respondents on 21.04.2022, without affording the petitioner any opportunity of hearing. It is argued that such action is unsustainable inasmuch as the judgment of the Division Bench had explicitly permitted candidates to obtain Sports Gradation Certificates under the new policy in respect of sporting events held prior to the cut-off date,



namely 18.09.2018. The petitioner, who had also participated in the 43rd Haryana State School Games Tournament held at Panipat from 18.11.2008 to 21.11.2008, hence, applied for issuance of a fresh Sports Gradation Certificate under the new policy on the basis of his achievement in the said tournament on 28.04.2022 before the competent authorities. Since the said certificate was not issued to him, the petitioner was constrained to institute the present writ petition on 02.05.2022, *inter alia*, seeking issuance of a fresh Sports Gradation Certificate so that his employment already secured under Group 'D' would not be jeopardized. It is further a matter of record that, subsequently, the respondents themselves issued a Sports Gradation Certificate in favour of the petitioner on 16.01.2024, bearing No. Sports/G/D/24/393, acknowledging his eligibility for appointment to Group 'D' for the above sporting event. The said certificate has also been annexed by the respondents along with their reply.

7. Learned counsel for the petitioner contends that, in view of the policy of the respondent-State, every candidate was entitled to establish his eligibility on the basis of any other sporting tournament and the same now stands fortified by the Sports Gradation Certificate dated 16.01.2024, duly issued by the respondents themselves. Once such certificate evidences that the petitioner is qualified, it is submitted, that his eligibility cannot be doubted, and consequently, his services, which have already been secured, ought not to be dispensed with.

8. Learned counsel for the respondent-State, per contra, submits that the petitioner cannot derive any advantage from the instructions dated 10.05.2022, inasmuch as Para 4 thereof unequivocally mandates that a



candidate seeking consideration for re-appointment must submit the requisite Sports Gradation Certificate on or before 31.03.2022. It is argued that compliance with the said stipulation is a condition precedent and in its absence, the petitioner cannot be held eligible for the relief claimed.

9. It is further submitted that, in view of the fact that the Sports Gradation Certificate presently relied upon by the petitioner was issued only on 16.01.2024, the petitioner cannot be treated as eligible within the ambit of the aforesaid instructions, which categorically required submission of such certificate prior to 31.05.2022.

10. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present writ petition.

11. It is not in dispute that the instructions expressly provide that candidates who had participated in any other sporting tournament could establish their eligibility on the basis of a Sports Gradation Certificate obtained under the new Sports Policy for a different sport or tournament, provided that such tournament was held prior to the cut-off date of 18.09.2018. However, the question that remains for determination is whether a candidate who has obtained the requisite Sports Gradation Certificate after 31.03.2022 can also be treated as eligible under the said instructions.

12. The instructions in question were clearly intended to extend a measure of relief and benefit to candidates who had earlier been selected on the basis of Sports Gradation Certificates submitted by them, but whose certificates, due to intervening eventualities, had been subsequently held to be invalid or unacceptable by the respondents. The purpose behind such



instructions was therefore one of benevolence, designed to afford an opportunity to all affected candidates to re-establish and substantiate their eligibility and, in turn, to safeguard their appointments. It is further undisputed that the Sports Gradation Certificate originally issued in favour of the petitioner on 14.09.2018 continued to be recognized and accepted by the respondents until 21.04.2022, when the impugned order was issued without affording the petitioner any opportunity of hearing. Consequently, prior to 21.04.2022, there was no reason for the petitioner to entertain any doubt regarding the validity of the Sports Gradation Certificate issued by the respondents. The respondents themselves do not dispute the fact that the certificate had been duly issued by the competent authority. Therefore, the petitioner cannot be held to have committed any misrepresentation, concealment, or fraud in respect of the certificate in question. Immediately upon the cancellation of his candidature and the withdrawal of Sports Gradation Certificate No. HRH57/0050, the petitioner, for the first time, had an occasion to apply for a fresh Sports Gradation Certificate based on a different sporting event but held prior to the cut-off date of 18.09.2018, to substantiate his eligibility. Without delay, the petitioner submitted the requisite application on 02.05.2022. This request, however, remained pending with the respondents until 16.01.2024, when the Sports Gradation Certificate was finally issued. The certificate, appended along with the affidavit filed by the respondent-authorities themselves confirmed the petitioner's sporting achievement and affirmed his qualification and eligibility for the post held by him. It is, therefore, untenable to contend that the petitioner should be denied the benefit of the instructions dated



10.05.2022 solely because the Sports Gradation Certificate was issued on 16.01.2024, and not prior to 31.03.2022, particularly where the cause of action for obtaining the certificate arose only as a result of the respondents' withdrawal of the earlier certificate on 21.04.2022 i.e. after the cut-off date. To mechanically apply the cut-off date in a scenario where the respondents themselves provided the occasion for the petitioner to apply for a fresh Sports Gradation Certificate after 31.03.2022 would be inequitable and inconsistent with the ends of justice.

13. Having regard to the totality of the circumstances, including the equitable considerations and the petitioner's bona fide efforts to secure his eligibility, I am of the opinion that denying the appointment to the petitioner on the sole technical ground of the post-31.03.2022 issuance of the certificate would be unjust and contrary to the object behind the instructions.

14. Accordingly, the instant writ petition deserves to be allowed. The Haryana Staff Selection Commission is hereby directed to consider the eligibility of the petitioner on the basis of the Sports Gradation Certificate dated 16.01.2024, and that such consideration shall not be withheld or rejected solely on the ground that the Sports Gradation Certificate was obtained by the petitioner after 31.03.2022.

15. Since the Sports Gradation Certificate has been issued and appended by the respondents themselves, the exercise of considering the petitioner's eligibility would be purely ministerial in nature. Nevertheless, the Haryana Staff Selection Commission is directed to undertake and complete the requisite procedural formalities and make the necessary

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recommendation within a period of one month from the receipt of a certified copy of this order.

16. The petitioner shall be deemed to have remained in continuous service and shall not be subjected to termination, nor shall he be treated as a fresh candidate, merely on account of the fresh ministerial recommendation to be made in accordance with the directions issued by this Court.

Accordingly, the writ petition stands disposed of.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 11, 2025
Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No