



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

CWP-31692-2024

Date of Decision: 29.07.2025

SURYA SANGWAN

...PETITIONER

Vs.

STATE OF HARYANA THR. DIRECTOR SPORTS & YOUTH
AFFAIRS AND ANR. ...RESPONDENTS

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

Present:- Mr. Najmi Waziri, Sr. Adv. with
(through video conferencing)
Mr. G. S. Sullar, Advocate
Mr. R. A. Iyer, Advocate
Ms. Devki Anand Sullar, Advocate
for the petitioner(s).

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

VINOD S. BHARDWAJ, J. (ORAL)

1. Seeking setting aside of the communication dated 08.11.2023 whereby the respondent(s) have refused the appointment to the petitioner by referring to Rule 4(c)(ii) of the Haryana Outstanding Sportspersons (Group A, B and C) Service Rules, 2021 (*hereinafter referred to as "Rules of 2021"*), the instant writ petition has been filed.

2. Learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner is an eminent sports person in Netball and has represented the State of Haryana at Senior National Level in National Netball Championships as well as in the National games. The petitioner consistently won Gold Medals at the National Netball Championships held from 2018 to 2022 (except for winning Silver medal in 2019). She



also won a Gold Medal in Netball while representing the State of Haryana in the 36th National Games held in the year 2022 in Gujarat. She also represented the Republic of India in the Asian Netball Championships held in Singapore in 2022. Undisputedly, the State of Haryana notified the Rules of 2021 to create and provide for appointment to the Outstanding Sports Persons (*hereinafter referred to as "OSPs"*). The eligibility conditions have been prescribed under the Service Rules as per which, the petitioner was eligible. The Team Event Certificate issued by the competent authority also verified that the petitioner had participated in more than 75% of the total number of matches played by the team in the tournament. He submits that at the time of submitting the application for appointment, the petitioner placed reliance on the tournament viz. 36th National Games, 2022 organized and not on the Asian Championship. Notwithstanding the petitioner fulfilling the eligibility, the petitioner has been ousted due to misinterpretation of Rule 4(c)(ii) of the Rules of 2021 on the pretext that the petitioner was required to participate only in a sporting event which was recognized as an Olympic Sport. He further submits that the said Rules would not be applicable to the petitioner since her case had to be considered in terms of Rule 4(c)(i) read with Rule 8(2) of the Rules of 2021.

3. Responding to the above, learned counsel for the respondent(s)-State has raised the following arguments:-

- (i) That Rule 4 of the Rules of 2021 have to be read in harmony with Rule 8 and the conditions of eligibility

prescribed under both the said Rules have to be satisfied for a person to claim eligibility and entitlement for appointment under the said Rules.

(ii) That as per Rule 8(1) of the Rules of 2021, the sporting events which were included in the Olympic Games alone were to be considered with the exclusion of Circle Kabbadi. Since the game of Netball is not included in the Olympic Games as well as in the games mentioned in Schedule II, hence, the petitioner would be hit by proviso to Rule 8(1) of the Rules of 2021.

(iii) That mentioning of a National Game in Schedule I and II is with the intention that there must be representation for India and not for a particular State.

(iv) that the departmental committee was constituted for examination of the application forms of the 24 sports persons including that of the petitioner and upon consideration, the petitioner was found ineligible for the post of Group-c, Junior Coach and the remarks of the Committee regarding her achievement are reproduced as under:-

Sr. No.	Applicant Name	Academic Qualification	Name of Sports Discipline	Competition organizing Authority	Position/ Tournament
II.	Surya Sangwan D/o Sh. Krishan Sangwan	B.A., MA (Political)	Netball (Team Game Women)	Indian Olympic Association	Gold Medal in 36 th National Games, 2022 held at Gujarat



Remarks of the Committee

“Sr. No.1 to 10 & 12 to 24 (all Netball players) are not eligible for job. As per notification of Haryana Govt. The 26th Feb. 2021 Part II’s Sr. No.4. Sub clause (c)(ii).

Sr. No.11 named Surya Sangwan is International player also. She has participated in Asian Netball Championship, 2022 at Singapore but this achievement is not covered the Policy’s Part II’s Sr. No.8(1) “sports events only included in the Olympic Games”. It is not covered in Schedule II’s Sr. No.7. This championship’s organizing authority is not valid, so all the players of the Netball applied for job (OSP) according to above facts are not eligible.

(Emphasis Supplied)

4. Learned counsel for the respondent(s) further submits that the petitioner had also participated in the Asian Netball Championship, 2022 at Singapore but the same is not covered under the Policy’s Part II’s (Recruitment to Service) and that Rule 8(1) of the Rules of 2021 mandates that the sports events only included in the Olympic Games would be covered. Since the event is not covered under Schedule II at Sr. No.7 and it is also unclear as to who is the organizing authority, hence, the players of the Netball who had applied for the said job (OSPs) are not eligible. A further argument has been raised by the learned State counsel that in the National Games, she had not represented India and as such, her achievement on account of having participated for the State of Haryana cannot be construed akin to participation in a National Sporting



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Event/National Game. He submits that each candidate has to fulfill all the conditions mentioned under the Rules of 2021 to be eligible. In the event, the candidate not fulfills any of the mandatory conditions prescribed thereunder, he/she shall become ineligible for a job under the said Rules.

5. No other argument has been raised on behalf of the parties nor any judgment has been cited.

6. I have heard the learned counsel for the respective parties and have perused the documents appended along with the instant writ petition.

7. It would be apposite to make a reference to the relevant Rules as are essential for adjudication of the present *lis*. The relevant extract of the Haryana Government, Department of Sports and Youth Affairs Notification dated 26.02.2021 reads as under:-

PART-II RECRUITMENT TO SERVICE

4. No person shall be appointed to any post in the Service, unless he:

(a) is a citizen of India;

(b) is a resident of Haryana possessing a Resident Certificate issued by the concerned authority;

(c) (i) has represented the State of Haryana at the national level or has represented the Central Government or any Central Public Sector Undertaking, at National level



tournament;

(ii) has represented India in any sports tournament as mentioned in Schedule-I and Schedule-II.

8. *(1) The name of a person shall be considered for appointment to a post, in case of an individual event as per provision in Schedule-I and in case of a team event as per provision in Schedule-II of these rules, subject to fulfillment of other conditions of eligibility:*

Provided that in the case (a) 4 Years World Cup/Championship, (b) World Cup/Championship (Less than 4 Years), (c) 4 Years Asian Championship, (d) World University Games, (e) Special Olympics, (f) Deaflympics/4 Years deaf World Cup/Championship/4 Years Para World Cup/Championships, sports events only included in the Olympic Games shall be considered, except Circle Kabaddi.

(2) In case of a team event, a person shall be considered for appointment to a post as per Schedule-II, provided that he has participated in not less than fifty percent of the matches played by the team in that tournament.

11. *(1) An eligible person shall submit an application complete in all respects in Form-1 in case of individual event and in Form-II in case of team event along with proof of outstanding sports achievement duly signed by the President or Secretary General of the National Sports Federation of the concerned game, date of birth and such other additional information as may be sought by the State Government.*

- (2) *The Director shall forward the applications to the Government for appointment to a post admissible under these rules after verification of original documents within 30 days of receipt of application from a person.*
- (3) *The Government shall forward the case to the competent authority for approval. On the receipt of approval from the competent authority, the appointing authority shall issue the letter of appointment on regular or provisional basis, as the case may be.*
- (4) *The Government reserves the absolute right to revise, from time to time, Form-I or Form-II by an order issued with the approval of competent authority.*

Schedule II
{see Rule 8(1)}
(TEAM EVENT)

Sr. No.	Tournament	Organizing Authority	Medal Winner			
			Gold	Silver	Bronze	Participation
1.	Olympic Games	IOC	Group A	Group A	Group B	Group C
	Paralympics	IPC	Group B	Group B	Group B	--
2.	Asian Games	OCA	Group B	Group B	Group C	Group C
	Asian Para Games	APC	Group C	Group C	Group C	---
3.	4- year World Cup/Championship (Sports events included in the Olympic Games only)	International Federation of concerned game recognized by IOC	Group B	Group B	Group C	Group C
4.	World Championship (Less than 4 years) (Sports events included in the Olympic Games only)	International Federation of concerned game recognized by IOC	International Federation of concerned game recognized by IOC	International Federation of concerned game recognized by IOC	International Federation of concerned game recognized by IOC	Nil
5.	Commonwealth	CGF	Group C	Group C	Group C	Nil



	<i>Games</i>					
	<i>Commonwealth Para games</i>	<i>CGF</i>	<i>Group C</i>	<i>Group C</i>	<i>--</i>	<i>Nil</i>
6.	<i>World University Games (Sports events included in Olympic Games)</i>	<i>IUSF</i>	<i>--</i>	<i>--</i>	<i>--</i>	<i>Nil</i>
7.	<i>4-years Asian Championship (Sports events included in Olympic Games only)</i>	<i>Asian Federation of concerned game affiliated to OCA or International Federation recognized by IOC</i>	<i>Group C</i>	<i>Group C</i>	<i>Group C</i>	<i>Nil</i>
8.	<i>Special Olympics (Sports events included in Olympic Games only)</i>	<i>Only those which are recognized by IOC</i>	<i>Group C</i>	<i>Group C</i>	<i>Group C</i>	<i>Nil</i>
9.	<i>Deaflympics/4 years World Cup/Championship /Circle Kabaddi 4 years Asian Championship (Sports events included in Olympic Games only)</i>	<i>ICSF</i>	<i>Group C</i>	<i>Group C</i>	<i>Group C</i>	<i>Nil</i>
10.	<i>South Asian Games</i>	<i>SAGF</i>	<i>Group C</i>	<i>---</i>	<i>---</i>	<i>Nil</i>
11.	<i>4-year Blind Cricket World Cup</i>	<i>WBCC</i>	<i>---</i>	<i>---</i>	<i>---</i>	<i>Nil</i>
12.	<i>Ranji Trophy (Cricket)</i>	<i>BCCI</i>	<i>Group C</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>
13.	<i>4 years World Cup/2 years Asian Championship (Circle Kabaddi)</i>	<i>International Kabaddi Federation</i>	<i>Group C</i>	<i>Group C</i>	<i>Nil</i>	<i>Nil</i>
14.	<i>National Games</i>	<i>IOA</i>	<i>Group C</i>	<i>Group C</i>	<i>Group C</i>	<i>Nil</i>

8. It is undisputed that the 36th National Games, 2022 were organized at Gujarat from 29.09.2022 to 12.10.2022 under the aegis of the Indian Olympic Association. It is also not in dispute that the Certificate under the statutory form II had been issued by the Competent Authority in terms of Rule 9(1) of the Rules of 2021 certifying that the petitioner had participated in the 36th National Games, 2022 in the



discipline of Netball and had won the Gold Medal by participating in 5 matches in the tournament, which was more than 75%. The issuance of the said Certificate by the Competent Authority is not under dispute.

9. The ground of rejection, as communicated by the respondent(s), *vide* letter dated 08.11.2023 reads thus:-

“.....Regarding:- applications submitted in the department under Haryana Excellent Players (Group-A, B and C) Service Rules-2021.

You had submitted an application to this office for providing job under the subject rules.

In this regard, you have been found ineligible by the department due to your not fulfilling the essential condition of Rule 4(C)(ii) of the subject rules.....”

10. It is evident from perusal of the above that the petitioner had been found ineligible by the Department on the ground of failing to fulfill the essential conditions of Rule 4(c)(ii) of the Rules of 2021. In the said undisputed factual and legal background, the findings recorded by this Court are referred to as under:-

(i) Rule 4(c) of the Rules of 2021 has two components. Rule 4(c)(i) mandates that for a person to be appointed to any post in the service, he/she should have represented the State of Haryana at the National level or has represented the Central Government or any Central Public Sector Undertaking, at National-



level Tournament; while Rule 4(c)(ii) talks of having represented India in any sports tournament as mentioned in Schedule I and II. The proviso to the Rule provides that a person shall be eligible for appointment under these rules within 10 years of winning a medal or participating in sports tournament as mentioned in Schedule I and II

(ii) Since the controversy revolves only around the interpretation of application of Rule 8(1) and 8(2) of the Rules of 2021, which prescribes the eligibility, hence, the other Sub-Rules are not referred to. It is evident from a perusal of Rule 8(1) of the Rules of 2021 that to be eligible for being considered for appointment to a post, the individual events as contained in Schedule I and team events as prescribed in Schedule II of the Rules were required to be adhered to and subject to fulfillment of other conditions of eligibility. The proviso thereto specifies certain class of sporting tournaments/events mentioned therein i.e. (a) four years World Cup/Championship, (b) World Cup/Championship (Less than 4 years), (c) 4 years Asian Championship, (d) World University Games, (e) Special Olympics, (f) Deaflympics/4 years deaf World Cup/Championship/4



Years Para World Cup/Championships, sports events only included in the Olympic Games shall be considered, except Circle Kabaddi.

11. The emphatic argument of the learned counsel for the respondent(s)-State has been that as a matter of fact any sporting event specified under Schedule II must reflect participation of a candidate in a sporting event which is a recognized Olympic Sport.

12. I find the aforesaid argument to be wholly misplaced and not based upon correct and proper reading of their own documents. The proviso in question has to be read along with Schedule II of the Rules of 2021. On a careful perusal of the same, it is evident that 06 sporting tournaments/championships, which are exhaustive in nature and not inclusive, have been specified, for which only those sporting events have been included which form part of the Olympic Games. The attempt on the part of the respondent(s) to contend that the requirement of the sporting events to be included in the Olympic Games spilling over all the other sporting tournaments that have been mentioned in Schedule II of the Rules of 2021 as well is a gross misreading of their own Schedule and tends to make the proviso inclusive rather than exhaustive. The first proviso to Rule 8(1) does not start with any of such words i.e. 'includes', or end with any syllable such as 'etc.', 'other' or 'others'. Thus, the proviso mentions an exhaustive list of sporting event *qua* which the qualification of the sporting event to be a mandatory part of the Olympic Games has been prescribed. The said requirement, under golden Rule of



interpretation cannot be stretched to the other sporting events not specified thereunder.

13. Even otherwise, the fallacy of the argument can be well-noticed from a comparative reading of the entire Schedule. It is evident from a reading thereof that the games mentioned at Serial No.10 of Schedule II of the Rules of 2021 i.e. South Asian Games; Serial No.11 Four-year Blind Cricket World Cup; Serial No.12 Ranji Trophy (Cricket) and at Serial No.13 National Games do not specifically incorporate “*sports events included in the Olympic Games only*” as has been incorporated for the sports events mentioned at Serial Nos.3, 4, 6, 7, 8 and 9 of Schedule II of the Rules of 2021. The said exclusion establishes two points; firstly, that the respondent(s) were fully conscious of the fact that there are sporting events which are incorporated in the Olympic Games and secondly there may be sporting tournaments/events for games which are not a part of the Olympic Games. As apprised, the National Games/National Sports Federations of as many as nearly 56 games have been constituted for which the National Games are held but of which only 29 sporting events approximately are recognized or played in the Olympics. Hence, the conscious awareness of the respondent(s) about the Olympic event and non-Olympic event is reflected.

14. Thus, under the ‘Golden Rule’, the statute has to be first understood in its plain meaning. The exclusion thus has to be deemed as conscious and voluntary and not as an inadvertent omission. This Court would not prescribe a condition of requirement, by interpretation, when



the exclusion by the respondent(s) is conscious, voluntary and deliberate.

15. Now, advertent to the submission(s) that the petitioner did not represent India in National Games, I find that such an argument by the respondent defies primary logic and shows complete lack of objectivity. A 'national game' would not involve any International teams and there can be no team representing India in a National Games and instead the State teams would be representing in different games. Besides, the Sports Certificate issued by the respondent(s) themselves recognizes the factum of the petitioner having participated in the 36th National Games, 2022. The logic-defying argument was raised without even appreciating the Certificate issued by the respondent(s)-Authorities themselves which acknowledges not only that the sporting event was a National Game but also recognizes that the petitioner had participated in the said event. Further, the Schedule II refers to the National Game at Serial No.14 to be held under the organizing authority of the Indian Olympic Association as a valid team event and does not confine National Games to only such sports event that are included in Olympic Games only. Thus, there could be sporting events which are part of National Games but are not included in Olympic Games. Had the intent of the respondent(s) would have been to the contrary, there was no embargo as to why such a qualification, as has been specified for 06 events could not have been prescribed thereunder as well.

16. Further, even the order of rejection, does not in any manner, refer to the petitioner being ineligible on account of Rule 8(1) or 8(2) of



the Rules of 2021. Notwithstanding the fact that this Court does not find the petitioner to be suffering from such an ineligibility, however, yet an attempt has been made by the respondent(s) to supplant reasons which were originally not a part of or reflected in the decision making. Such later improvements in reason are impermissible when introduced during the course of arguments. Since, the respondent(s) have not held the petitioner to be ineligible under Rule 8(1) and (2) of the Rules of 2021, there is no occasion for the respondent(s) to now advance an argument in an attempt to defeat the case of the petitioner by adverting to Rule 8.

17. Referring to the argument and the reasons assigned by the respondent(s) in the letter dated 08.11.2023 i.e. Rule 4(c)(ii) of the Rules of 2021. The reasons given by the respondent(s) show that the claim of the petitioner has been considered by the respondent(s) under the said category and having noticed that the petitioner has not represented India in the sporting events mentioned in Schedule I and Schedule II of the Rules of 2021.

18. The aforesaid submission is not in dispute at all. As a matter of fact, the categorical case of the petitioner is that she is claiming her consideration and eligibility under Rule 4(c)(i) of the Rules of 2021 i.e. for having represented the State of Haryana at National level and at National tournament. The petitioner having not sought consideration under Rule 4(c)(ii) of the Rules of 2021, rejection of a candidature on said account was itself a ministerial exercise done by the respondent(s) in a casual manner reflecting non-application of mind to the facts. The



petitioner undisputedly does fulfill the terms and conditions as prescribed under Rule 4(c)(i).

19. A weak argument is raised by the respondent(s) that both the Rules i.e. 4(i) and 4(ii) of the Rules of 2021 have to be satisfied together, however, even if such an argument is to be considered, the said argument would contradict the Rules inasmuch as acceptance thereof would render Rule 4(c)(i) of the Rules of 2021 otiose and nugatory. The persons who have participated in the National Games and have not represented India in any sports tournament thus would all be rendered ineligible. Therefore, a candidate may fall under either of the two categories to claim eligibility under Rule 4(c) of the Rules of 2021.

20. Undisputedly, the petitioner has raised a specific plea that her claim has to be considered under Rule 4(c)(i) of the Rules of 2021 to determine her eligibility but no response to the same has been filed by the respondent(s) as to why the petitioner is not eligible under Rule 4(c)(i) of the Rules of 2021. The same would thus amount to an admission of the respondent(s) about the eligibility of the petitioner in terms of the said Rules.

21. Merely because the petitioner had also mentioned in her application form about having participated in other sporting event does not mean that the eligibility of the candidate has to be examined only on the basis of that sporting event and by ignoring other heads and other claims raised by the petitioner in respect of her eligibility. The consideration is thus myopic and would not withstand judicial scrutiny.

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22. Consequently, the instant writ petition is **allowed** and the impugned communication dated 08.11.2023 (Annexure P-9) is set aside. The respondent(s) are directed to re-consider the claim of the petitioner and to ascertain her eligibility in terms of Rule 4(c)(i) read with Rule 8(1) and 8(2) of the Rules of 2021, as interpreted above. Let the needful be done within a period of two months on the receipt of a certified copy of this order.

23. In case, the verification of the Sports Gradation Certificate for determining the eligibility was a pre-requisite to allow a candidate to participate in a selection/appointment process and the petitioner was not allowed to participate in the same, the petitioner shall be subjected to the same and her merit would then be determined. If on the merit so assigned, her position is above the last person already selected, an appointment letter shall be issued to the petitioner. She would be entitled to seniority and all other consequential benefits notionally with effect from the date when other persons were appointed and actually with effect from the date of actual appointment or 04 months of receipt of this order, whichever is earlier.

(VINOD S. BHARDWAJ)
JUDGE

29.07.2025*Rahul Joshi*

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No