



235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17434-2019(O&M)
Date of decision: 12.05.2026

DIGVIJAY SINGH

...Petitioner

Vs.

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Sanjay Kaushal, Sr. Advocate with
Mr. Vijay Pal, Advocate
for the petitioner.

Mr. Nitin Kaushal, Addl. A.G., Haryana.

Mr. Kanwal Goyal, Advocate
for respondent-HPSC.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This petition seeks to assail Clause 6.2 of the notification dated 15.11.2018 as amended on 25.05.2018, on the basis of which the petitioner has not been considered for appointment to the post in question.

2. It transpires that vide notification dated 25.05.2018, the State of Haryana notified fresh guidelines for the issuance of Sports Gradation Certificate to eligible sportspersons, for jobs under the Sports quota and other benefits. Clauses 2 and 3 of this notification are relevant and are produced hereinafter:-

"2. The Sports Gradation Certificate type, eligibility for jobs under Sports quota and the authority competent to sign and issue the Sports Gradation Certificate will be as

follows:

<i>Sports Gradation Certificate Type</i>	<i>Eligibility for Jobs under Sports quota</i>	<i>Authority competent to sign and issue Sports Gradation Certificate</i>
<i>Grade-A</i>	<i>All Posts</i>	<i>Director, Sports and District Sports & Youth Affairs Officer (of concerned district) jointly.</i>
<i>Grade-B</i>	<i>Posts, other than Group-A</i>	
<i>Grade-C</i>	<i>Posts, other than Group-A and Group -B</i>	<i>District Sports & Youth Affairs Officer (of concerned district).</i>
<i>Grade-D</i>	<i>Only Group-D post</i>	

The sportsperson may apply (in duplicate) to the District Sports & Youth Affairs Officer of the district concerned. The format of the application is at Schedule-1.

3. Eligibility:

- (i) The sportsperson plays for Haryana State at national level;or*
- (ii) The sportsperson is Haryana domicile and does not represent State/UT other than Haryana at national level."*

3. Clause 5 of this notification contains the category of tournaments as also it specifies the organizing authority for each such category. Category 1 consists of Olympics and Paralympics organized by the International Olympic Committee/International Paralympics Committee. Categories 2 to 13 pertain to distinct tournaments with the respective organizing authority for such Tournament specified in the notification. The claim of the petitioner is with reference to Category 7, which reads as under:-

7.	Other Asian/Commonwealth Championship	Asian Federation of the concerned game, affiliated to the Olympic Council of Asia/International Federation/Commonwealth Games Federation
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4. Clause 6 of the notification provides for Sports Gradation Certificate. The chart enumerating the Sports Gradation Certificate type and



the corresponding eligibility is also reproduced hereinafter:-

Sports Gradation Certificate Type	Eligibility
Grade A	Participation in a tournament of Category 2 or above; or Medal winner in a tournament of Category 7 or above (restricted to Sports discipline played in Olympics/Paralympics).
Grade B	Participation in a tournament of Category 7 or above; or Medal winner in a tournament of Category 9 or above.
Grade-C	Participation in a tournament of Category 9 or above; or Medal winner in a tournament of Category 11 or above (restricted to Sports discipline played in Olympics/Paralympics); or Metal winner in a tournament of Category 9 or above (other Sports disciplines)
Grade D	Participation in a tournament of Category 11 or above; or Medal winner in any listed Category.

5. It is in the above context that Rule 6.2 has been assailed, which reads as under:-

"Rule 6.2 The tournaments unless specifically indicated connotes senior level tournaments. The corresponding junior level tournament would be placed one category lower.

***Illustration:** The ISSF World Cup (Shooting) is at Category No. 5, hence the ISSF Junior World Cup is to be ranked one category lower at Category no. 6."*

6. Rule 6.3 is also relevant and is reproduced hereinafter:-

"Rule 6.3 A sub-junior tournament is ineligible (except National School Games and Khelo India at Category No. 12)."

7. The petitioner, for the purpose of seeking appointment against the notification, had relied upon a certificate of participation in Asian Schools Basketball (Boys) Championship, 2009 held between 9-17 April, 2009 in



Macao, China. The petitioner for such purpose has placed reliance upon a certificate issued by the Directorate of Sports, Chandigarh Administration, holding the petitioner entitled to declaration as a Grade 'B', Sportsperson on account of his participation in Basketball.

8. The respondents have not found the petitioner eligible for applying against the post advertised on the ground that his participation in Asian Schools Basketball Championship is not included in Category 7, inasmuch as Category 7 refers to other Asian/Commonwealth Championships organized by the Asian Federation of the concerned game, affiliated to the Olympic Council of Asia/International Federation/Commonwealth Games Federation. It is submitted that the Asian Schools (Boys) Basketball Championship is therefore not organized by the authority specified in Category 7 and consequently, the petitioner is not entitled to be placed in Category 7. It is also urged in addition to the above that since the participation of the petitioner was at the school level, as such, if it is assumed that the organizing authority is the competent authority notified in the notification, his category would be reduced to a lower category in view of Clause 6.2 and consequently, he would be placed in Category 8.

9. The writ petition was entertained by this Court and the petitioner was permitted to participate in the selection process vide the following order passed on 02.07.2019:-

"It is submitted that in view of clause 6.2 of the Sports Gradation Policy the participants participating in junior level tournaments since entitled to be placed in one category lower, the gradation of the petitioner who participated in a sport placed in Category 7 would be



lowered down to Category 8 and, thus, placing him in Grade 'C' of the gradation certificate, whereas, applying the same principle, the players participating in Categories 3 to 6, though fall under the same umbrella of Grade 'B', would retain their grade which is clearly arbitrary and discriminatory.

Prima facie there appears to be force in the submission and the issue requires scrutiny.

Notice of motion.

Shri Deepak Balyan, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. He prays for and is allowed a week's time to seek instructions/file counter-affidavit.

To be listed on 21.08.2019.

In the meantime, the petitioner would be permitted to participate in the selection process provisionally treating his Sports Gradation Certificate to be of Grade 'B'.

The final selection made shall be subject to the result of the writ petition."

10. Learned Senior counsel for the petitioner argues that Clause 6.2 is wholly arbitrary inasmuch as, for all categories between 2 to 6, even if the participation is in a junior level, the person concerned would be entitled to be considered against Grade 'A', whereas, for Category 7, a distinct treatment is provided. It is also submitted that apart from the petitioner nobody else had applied and therefore, no prejudice would be caused to any one if the petitioner is accorded consideration.

11. On behalf of the respondents the petition is opposed, stating that the petitioner had applied for consideration pursuant to the notification and once his entitlement is not found to flow from it, he cannot be permitted to



subsequently turn around and challenge the notification.

12. Learned Senior counsel for the petitioner states that the notification was earlier challenged by filing the writ petition. However, it is undisputed that in the previous round of challenge the particular offending clause impugned in this petition was not the subject matter of challenge.

13. From the materials placed on record, it is apparent that the consideration of petitioner's claim has to vest in the notification dated 25.05.2018. The primary challenge of the petitioner is to Rule 6.2 which provides that the tournaments, unless specifically indicated, connote senior level tournaments.

14. The corresponding Junior level tournaments would be placed one category lower. This is clarified by way of the illustration in Rule 6.1. The only basis to assail this clause would be that discriminatory treatment is being meted out to the petitioner as a participant of Category 7 inasmuch as medal winners in the Categories 1 to 6 would continue to be covered in Grade 'A' Sports Gradation even if they play in a junior level.

15. We do not find any substance in such challenge inasmuch as the authorities, while framing the policy, have clearly made a distinction in the nature of tournaments which entitles a person to be placed in a particular Grade of Sports Gradation Certificate. We have already noticed that the first category is of Olympics and Paralympics organized by International Olympic Committee/International Paralympics Committee. Similarly, second Category consists of 4-year World Championship, while third Category consists of Asian Games/Para Asian Games/Youth Olympics. Forth Category is Commonwealth Games, including Para Athletes and Youth Asian Games.



Category 5 refers to other World/International Championships whereas World University Games are included in Category 6. Going by Clause 6.2, a Sportsperson who has participated at the junior level in any of the Categories 1 and 2, or has one medal as obtained in Category 6, would continue to be placed in Grade 'A' even if the participation is in a Junior level.

16. Considering the fact that the nature of tournaments has been consciously chosen in the State policy and a differential treatment on account of the nature of tournament forms the basis of distinction drawn by the State, no discrimination can be said to be made out merely because the petitioner having participated in Category 7, gets placed in Category 8 on account of his participation in the corresponding junior level tournament.

17. The previous challenge in the writ before this Court was on a distinct cause. Merely because there are no other applicants, it would not render the petitioner eligible for the post if on the strength of his achievements, the petitioner otherwise fails to qualify.

18. The writ petition is accordingly dismissed.

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

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

12.05.2026

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No