

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-29861-2025 (O&M)

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Naveen ... Petitioner

VS.

State of Haryana & Ors. ... Respondents

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|----|-------------------------------------------------------------|------------|
| 1. | Judgment reserved on                                        | 31.01.2026 |
| 2. | Judgment pronounced on                                      | 24.03.2026 |
| 3. | Judgment uploaded on                                        | 25.03.2026 |
| 4. | Whether operative or full judgment                          | Full       |
| 5. | Delay in pronouncement of full judgment and reasons, if any | NA         |

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CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

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Present: Mr. Sanchit Punia, Advocate for the petitioner

Mr. Rahul Dev Singh, Addl. AG Haryana

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**Sandeep Moudgil, J.**

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India, *inter alia*, for issuing a writ of certiorari quashing the letter dated 09.05.2025 (Annexure P11) whereby respondent No.3 rejected the case of the petitioner for issuance of Sport Gradation Certificate. He seeks a direction to the respondents to issue Sport Gradation Certificate to the petitioner and to grant him appointment to a Group ‘D’ post against Advertisement No.1/2023 dated 30.05.2023 under BC(B) Eligible Sports Person category and to keep one such post vacant during to the pendency of the writ petition.

**Facts.**

(2). The Haryana Staff Selection Commission (in short, the HSSC), Panchkula, advertised 13,536 Group D posts across various state departments on 30.05.2023 (Annexure P1). The petitioner is stated to be a qualified and

eligible candidate, applied for the same under the Eligible Sports Persons (ESP) category in BCB quota for the Common Eligibility Test (CET) (Annexures P2 & P3). Having participated as a Netball player in the District School Tournament, Rewari, and the 53rd Haryana State Schools Tournament (Boys/Girls) before the cut-off date, the petitioner uploaded these achievement certificates, making him eligible for consideration under the prevalent sports policy of the Haryana Govt.

(3). The HSSC declared CET results on 12.01.2024, where the petitioner scored 44.4915342 marks i.e. above the BCB ESP cut-off of 39.35 and as such, he was qualified (Annexure P4). Upon approaching the HSSC for the next selection stage, he was asked to submit a Sports Gradation Certificate as per policies dated 25.05.2018 or 15.11.2018 (Annexures P5 & P6). The petitioner applied to the District Sports and Youth Affairs Officer, submitting his certificates, but on 09.05.2025 (Annexures P11), his request was rejected despite similar certificates being approved for others such candidates.

(4). Hence, this writ petition.

#### **Petitioner' Contention**

(5). Learned counsel for the petitioner contends that the impugned rejection letter dated 09.05.2025 (Annexure P11) issued by the respondent District Sports and Youth Affairs Officer is wholly illegal, arbitrary, discriminatory, and violative of Articles 14 and 16 of the Constitution of India in view of the fact that the petitioner, a male Netball player, indisputably participated in the District School Tournament, Rewari, and the 53rd Haryana State Schools Tournament well before the cut-off date stipulated under the Sports Policy Notification dated 25.05.2018, and possesses valid certificates

proving the same, however, despite submitting these documents, his application for issuance of Sports Gradation Certificate was rejected in a patently unreasoned manner, even though candidates with identical or similar sports achievements have routinely been granted such certificates by the same authority as is evident from the list (Annexure P-12) vide which the respondents have issued Sports Gradation Certificate for the same event.

(6). Reliance has been placed on the judgment dated 14.12.2018 passed in **CWP Nos. 4182 of 2018 (Brij Pal vs. State of Haryana)** (Annexure P-14) whereby this Court categorically held that participation in qualifying tournaments before the cut-off date regardless of the subsequent date of certificate issuance, entitles candidates to participate under the Outstanding/Eligible Sports Persons category and said judgment was affirmed by the Division Bench of this Court in **LPA No.1391 of 2019 (State of Haryana & Anr. vs. Brij Pal)** decided on 13.09.2019 and hence attained finality.

(7). It is argued that the petitioner had qualified the Common Eligibility Test with 44.4915342 marks, far exceeding the BCB ESP cut-off of 39.35 (Annexure P-4), yet HSSC's additional result dated 02.07.2025 declared no allocation under BCB ESP despite fresh requisitions (Annexure P-13). He contends that issuance of the Sports Gradation Certificate is merely a formality as he is legally entitled to, enabling his rightful consideration for appointment.

**Stand taken by respondent No.1 to 3**

(8). In her short reply filed today by Nirmala, Deputy Director Sports, Sports Department, Haryana on behalf of respondents No.1 to 3 (which is taken on record), it has been averred that the petitioner has sought to challenge a

decision that is strictly in conformity with the prevailing Sports Gradation Policy notified by the State Government. The earlier instructions of the Chief Secretary dated 30.11.1993 regarding issuance of Sports Gradation Certificates stood specifically superseded by notification No. 4/40/2017-4SYA dated 25.05.2018 (Annexure P5), which in turn came to be modified by notification dated 15.11.2018 (Annexure P6) and the Sports Department and its field offices, including respondent No.3, are bound to act strictly in accordance with these notifications and cannot travel beyond or contrary to them.

(9). Learned State counsel submits that the the petitioner applied on 05.03.2025 to respondent No.3 seeking a Sports Gradation Certificate on the strength of a single sports achievement, namely securing 2<sup>nd</sup> position in the 53<sup>rd</sup> Haryana State School Tournament (Boys/Girls) in Netball U-19, held at Hisar from 07.09.2018 to 09.09.2018 (Annexure P3) and his application was duly examined in the light of Category No.13 of the notification dated 25.05.2018 as amended/operational through notification dated 15.11.2018, which deals with State Games/State Women Sports/State School/State Rural & Panchayat/State Inter-University tournaments organized by recognized State Associations or the Sports & Youth Affairs Department. He then submits that upon scrutiny, respondent No.3 found that the specific level and nature of the petitioner's cited achievement was not covered for gradation under Category No.13 as per the amended policy dated 15.11.2018, and therefore no Sports Gradation Certificate could be issued on that basis and the mere fact that the wording in the letter generically referred to "Sports Policy 25.05.2018 and 15.11.2018" instead of specifically mentioning the notification dated 15.11.2018 does not vitiate the substantive decision, which is firmly rooted in the latter notification.

(10). As regards the petitioner's allegation that similarly situated candidates have been granted Sports Gradation Certificates on the basis of State School Tournaments (Annexure P12), learned State counsel sought to clarify that such certificates were issued in compliance with the directions issued by this Court in LPA No. 1332 of 2019, wherein candidates selected against Group-D posts advertised vide Advt. No. 04/2018 were permitted to rely on the policy dated 25.05.2018 for gradation, subject to the outcome of the appeal and as such, those cases stood on a distinct footing, as they pertained to an earlier recruitment cycle and were governed by specific directions of the Court that cannot be automatically extended to fresh recruitments under Advt. No.01/2023, by which time the notification dated 15.11.2018 had already modified and substantially superseded the earlier framework.

(11). It is lastly submitted that the role of the Sports Department is limited to grading sports achievements and issuing Sports Gradation Certificates strictly in terms of the prevailing government instructions, and not to confer any independent right of selection or appointment and whether a particular certificate can be recognized for reservation or preference in a specific recruitment is a matter to be decided by the recruiting agency/indenting department in accordance with the advertisement and service rules.

**Respondent No.4-HSSC counter**

(12). Written statement dated 29.01.2026 has been filed by Rajiv Sindhu, Under Secretary on behalf of respondent No.4 wherein it has been maintained that the writ petition is not maintainable. He submits that the core grievance of the petitioner stems from the rejection of his claim for issuance of a Sports Gradation Certificate by respondent No. 3, which is an independent

authority under the Sports Department, and not under the control or supervision of the answering respondent. HSSC is only a recruiting agency that conducts recruitment strictly in accordance with the Advertisement No. 1/2023 dated 30.05.2023, the applicable service rules, and government instructions, including those relating to the ESP category and Sports Gradation Certificates and any challenge to the letter dated 09.05.2025 (Annexure P11) rejecting the Sports Gradation Certificate lies against the competent sports authority, and no mandamus can be issued to HSSC to treat the petitioner as an ESP candidate in the absence of a valid Sports Gradation Certificate issued in terms of the Sports Policy dated 25.05.2018 and 15.11.2018.

(13). It is specifically submitted that in the CET Group D recruitment, candidates claiming reservation under the ESP category must possess a Sports Gradation Certificate of Grade A/B/C/D under the Sports Policy dated 25.05.2018 and 15.11.2018, issued on or before the cut-off date, and must apply as ESP in the application form. He submits that the petitioner, in his online application form (Annexure R-4/1), clearly opted “NO” in the column relating to ESP and was, therefore, considered only under the BCB category. He then submits that HSSC, taking note of various representations from candidates, provided two clear opportunities through public notices dated 26.02.2024 and 06.07.2024 to all CET qualified candidates to correct their particulars including sub-category/ESP status on the correction portal between 26.02.2024–29.02.2024 and 06.07.2024–10.07.2024, but the petitioner did not avail these opportunities and made no correction in regard to claiming ESP status. Having consciously not claimed ESP and not uploaded any valid Sports

Gradation Certificate, the petitioner is estopped from asserting a contrary position at this belated stage.

(14). Heard learned counsel for the parties and the judgment was kept reserved on 31.01.2026.

**Analysis**

(15). The petitioner's entire claim for appointment under the BC(B)-ESP quota rests on a Sports Gradation Certificate which has not been issued to him under the applicable Sports Gradation Policy notified on 25.05.2018 and amended on 15.11.2018. Under this framework, only specified categories and levels of tournaments, mapped to graded certificates (A-D), qualify for gradation.

(16). It is a matter of record that the old 1993 instructions for Sports Gradation Certificates now stand superseded by the notified Sports Gradation Policy dated 25.05.2018, which was further modified by notification dated 15.11.2018, and that all grading must now strictly follow these two notifications. Under this policy, sports achievements are grouped into categories (such as Category 13 for State-level games/school tournaments), and only those events which are expressly recognized and mapped to a gradation level (Grade A/B/C/D) can be used to issue a Sports Gradation Certificate.

(17). Respondent No.3 has categorically stated, after examining the petitioner's case, that his only cited achievement i.e. 2<sup>nd</sup> position in the 53<sup>rd</sup> Haryana State School Tournament (Netball U-19) is not covered for gradation in Category 13 under the amended notification dated 15.11.2018, and therefore no certificate can be issued to him under the current policy. Category 13 as reflected in the notification dated 25.05.2018 is reproduced as under:-

| Category No. | Tournament                                                                                  | Organizing Authority                                                                                                                       |
|--------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 13           | State Games/State Women Sports/State School/ State Rural & Panchayat/State Inter-University | Haryana State Association recognized by the concerned National Federation affiliated to IOA/Department of Sports & Youth Affairs (Haryana) |

(18). That apart, the minor drafting error in the impugned letter dated 09.05.2025, where both 25.05.2018 and 15.11.2018 are referred to collectively, has been candidly clarified, but that does not change the substance that the rejection is founded on the notification dated 15.11.2018.

(19). The State has also met the plea of discrimination based on Annexure P-12 by explaining that the other sportspersons relied upon by the petitioner were granted certificates in a different factual and legal context, namely in compliance with a Division Bench order in **LPA No. 1332 of 2019 (State of Haryana vs. Shankar)** relating to Group-D recruitment under Advertisement No. 04/2018, when the 25.05.2018 notification was still being applied. Those directions cannot automatically be extended to the present recruitment under Advertisement No. 01/2023, where the amended policy of 15.11.2018 governs the field, whereby the petitioner’s cited school-level achievement is not included for gradation.

(20). In other words, the petitioner is seeking parity with candidates who were covered by a different notification existing and applicable at that time and specific court directions, even though his case is governed by a later policy that explicitly does not recognize his particular event for gradation. Since the Sports Department’s role is only to grade achievements as per the prevailing policy, and not to create entitlement outside the four corners of that



policy, there is no illegality or arbitrariness in the rejection letter dated 09.05.2025 (Annexure P11) whereby the Sports Gradation Certificate in favour of the petitioner has been refused.

(21). In view of the aforesaid discussion, the foundation of the writ petition falls. Without a valid Sports Gradation Certificate issued under the notification dated 15.11.2018, the petitioner cannot insist on being treated as an Eligible Sports Person, nor can he claim any right to appointment under the BC(B)–ESP quota in the recruitment already concluded in accordance with the notified rules and HSSC’s advertisement. The plea of violation of Articles 14 and 16 thus does not survive, because the non-issuance of the certificate is a direct consequence of a uniform policy applied alike to all sportspersons whose achievements fall outside the gradable categories.

(22). Consequently, the writ petition is dismissed.

(23). Pending applications, if any stand disposed of.

24.03.2026  
V.Vishal

(Sandeep Moudgil)  
Judge

|                               |   |        |
|-------------------------------|---|--------|
| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable?        | : | Yes/No |