

(2018) 10 RAJ CK 0075
In the Rajasthan High Court
Case No : Civil Writ No. 14569 of 2018

Altaf Hussain @APPELLANT@Hash State Of Rajasthan

Date of Decision : 29-10-2018

Acts Referred:

Rajasthan Police Subordinate Service Rules, 1989 — Section 7C

Citation : (2018) 10 RAJ CK 0075

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Yashpal Khileree, Deepika Purohit, P.R.Singh

Final Decision : Allowed

Judgement

This writ petition has been filed by the petitioner seeking direction to the respondents to consider the case of the petitioners for appointment on the

post of Constable under the category of Outstanding Sports Persons in accordance with Explanation (iii)/ (iv) to Rule 7C of the Rajasthan Police

Subordinate Service Rules, 1989 (the Rules, 1989) with all consequential benefits. It is inter alia submitted by learned counsel for the

petitioners that the petitioners participated in 61st National School Games 2015-16, wherein, in Football Boys U19, the petitioners achieved third

position. The games were organized by the School Games Federation of India.

The respondents issued an advertisement dated 25/5/2018 for recruitment on the post of Constable. For the sport Football 11 posts were indicated.

The petitioners applied for the post of Constable (GD) Non-TSP under the Outstanding Sports Person category claiming the type of game as

National. The petitioners were issued admit cards for appearing in the screening scheduled on 31/7/2018, whereafter, a notice for verification

of documents and games certificate was issued, wherein, the petitioners

appeared before the respondents, however, it is claimed that the respondents have not considered the case of petitioners under the category of 'Outstanding Sports Person' without any valid reason and no communication for denial has been issued to the petitioners, though the petitioners submitted representations to the respondents.

It is submitted by learned counsel for the petitioners that in terms of selection process for sports persons providing for 2% reservation (Annex.8), a

medal winner in the individual or in team event in National Games is entitled to 45 marks for 3rd rank and that in the note appended thereto it has been

indicated that competition recognized by any of the sports bodies would be entertained, which includes School Games Federation of India and,

therefore, the action of the respondents in rejecting the candidature of the petitioners as 'outstanding sports persons' cannot be sustained.

Further submissions have been made that various service rules have been amended by Notification dated 15/3/2013, wherein, also in the definition of

'Outstanding Sports Persons', medal winner in the individual or in the team event in the National Tournament of any sports and games

recognized by the Indian Olympic Association or concerned recognized National Sports Federation have been defined as 'Outstanding Sports

Person' and the petitioners qualify under the said Rule also inasmuch as said Rule has been incorporated as Rule 7C in the Rules of 1989 and,

therefore, action of the respondents in denying consideration of petitioners' candidature deserves to be quashed and set aside.

Learned counsel appearing for the respondents submitted that as the petitioners participated in the National School Games conducted by the School

Games Federation of India they would not be entitled for marks as determined by Standing Order No.12/2018. It has also been indicated that the

petitioners are not entitled to marks as conferred to outstanding sports person because they are not within the ambit of definition. I have considered

the submissions made by learned counsel for the parties and have perused the material available on record.

A perusal of the certificate produced by the petitioners indicates that the School Games Federation of India recognized by Ministry of Youth Affairs

& Sports, Govt. of India & Indian Olympic Association and member of International School Sports Federation held the 61st National School Games

2015-16 and for Football (Boys) U19 in the 61st National School Championship, the petitioners represented the State of Rajasthan and were declared

3rd position in the event.

The relevant provision of the selection process for sports persons (Annex.8) provides that a medal winner in the individual event or â??National

Gamesâ?? is entitled for 45 marks if he has obtained 3rd rank and the note, as already noticed hereinbefore, specifically provides that competitions

recognized by School Games Federation of India under International School Federation would be entertained. As noticed, the event wherein the

petitioners participated clearly answers the said description.

Further Rule 7C of the Rules, 1989 defines â??Outstanding Sports Personsâ?? as a person, who is a medal winner in the individual or in team even in

any National Tournament of any Sports and Games, recognized by the Indian Olympic Association or concerned recognized National Sports

Federation. It is not the case of the respondents that the School Games Federation of India is not recognized by the Indian Olympic Association. The

tournament in which the petitioners participated was definitely a National Tournament as is reflected from the certificate, therefore, in terms of Rule

7C also the petitioners fall within the definition of â??Outstanding Sports Personsâ??.

The plea raised by the respondents is baseless as how the petitioners do not fall within the definition of â??Outstanding Sports Personsâ?? has

nowhere been clarified in the entire reply except for repeating the selection process and requirements indicated in Annex.8 and Rule 7C.

Consequently, the writ petition is allowed. The action of the respondents in not recognizing the petitioners as â??Outstanding Sports Personsâ??

cannot be sustained and the same is, therefore, set aside.

The respondents are directed to consider the certificates of the petitioners as qualifying for the category â??Outstanding Sports Personsâ?? and deal

with their candidature in accordance with law and if on grant of marks based on the certificate, they stand in merit and are otherwise eligible as per

the requirements of advertisement/procedure to be adopted by the respondents, accord them appointment on the post of Constable (GD) with all

consequential benefits. Needful may be done by the respondents within a period of four weeks.