
(2004) 11 P&H CK 0031
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 6992 of 1988

Balbir Singh and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 18-11-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 139 PLR 305

Hon'ble Judges : K.S. Garewal, J

Bench : Single Bench

Advocate : Vinod Sharma, for the Appellant; Sandeep, A.A.G. and Ashok Thukral, for the Respondent

Final Decision : Dismissed

Judgement

K.S. Garewal, J.—For anyone curious to know why India does not excel in sports at the international level, an answer of sorts can be found in this case.

2. Balbir Singh and Girish Chander, Petitioners 1 and 4, are gymnasts. Kesho Dutt, petitioner 2, is a wrestler. Anil Kumar and Jamander Singh Dhaiya petitioners 3 and 5 are boxers. Each of them claimed that they were trained as coaches at different levels and had also participated in their respective events at different levels. The grievance of the petitioners was that they failed to get appointment as coaches in their disciplines.

3. The Sports Department advertised posts of category I and II in various disciplines including gymnastics and wrestling (Category I) and Boxing (Category II). The qualifications for two categories were also prescribed. There were 20 posts in category I and all of them were reserved. 15 for candidates of Scheduled Castes. 3 for candidates of Backward Class and 2 for Ex. Servicemen. It was stipulated that upto 5 posts out of 15 reserved for Scheduled Caste candidates could be filled from general category if these remained unfilled.

4. In category II total number of posts advertised were 68, 47 posts were

reserved. 22 posts for Scheduled Castes, 6 for Backward Classes, 15 for Ex-Servicemen and 4 for physically handicapped. There was also a stipulation that 8 posts out of 22 reserved for Scheduled Castes and 4 out of 15 reserved for Ex-Servicemen could be offered to candidates of general category in case candidates of the respective reserved category were not available.

5. According to the petitioners the selection committee formed for the Sports Department acted arbitrarily, the members of the selection committee were not experienced and technically mature. No questions were asked at the time of the interview. Experience, Sports efficiency were not considered while granting marks for interview. The petitioners had been called for interview but they had come to know that they had not been selected. The list of selected candidates was kept a closely guarded secret.

6. The petitioners pleaded that Balbir Singh and Girish Chander were outstanding candidates who had been ignored while N. Satyam and Gopal Sharma, respondent 3 and 4, had been selected. The merit of the said petitioners was higher than respondents 3 and 4.

7. Reference was made to advertisement dated February 12, 1988 (Annexure P-6) and it was highlighted that reservation in excess 50 per cent of the total available seats was violative of law. In fact all seats in category 1 had been reserved and this created a monopoly and denied the legitimate claims of candidates belonging to other communities. 47 out of 68 posts in category II had been reserved which was also excessive. Selection had been made in an arbitrary manner without fixing an objective criteria. Candidates with higher merits had been rejected. There was too much emphasis on oral interview which could not be taken as exclusive test and could be treated only as an additional test and that too if the members of the selection committee were men of high integrity, calibre and qualifications. Tin: practice of calling N.I.S. Coaches for selection was not followed. The entire selection was malafide.

8. Respondents 1 and 2 appeared and filed written statement through Joint Director Sports. The various averments of the petitioners were controverted. It was pleaded that selection of respondents 3 to 5 had been purely on merit and on the basis of their performance in the interview. It was stated that normally expert coaches were called from National Institute of Sports to sit on the Selection Committee but there were other the coaches of high calibre. The Institute had been requested to spare the services of the coaches but they could not be deputed because some of them were on vacation and some had gone out due to national games. The Selection Committee consisted of Director of Sports, Youth Welfare (Senior I.A.S. Officer), Joint Director Sports and Youth Welfare (Senior H.C.S. Officer) and an expert of that particular discipline.

9. As regards 100 per cent reservation, it was pleaded that vacancies which were required to be filled were carried over vacancies and had been correctly shown as reserved according to Government instructions. Reservation was not excessive

because these were carried over vacancies, Selections had been made purely on merits and not only on the basis of the performance of the candidate in the interview but also on their achievements, experience and qualifications. Selection was not a closely guarded secret as the successful candidates had been duly informed.

10. Contemporary sport is extremely technical and specialised. A successful sportsman, be he a gymnast, a wrestler or a boxer requires training from qualified and dedicated coaches if he is to perform at a high level and win laurels for his State and country. A coach is one who has achieved a certain level of success himself in his discipline and has also received training in coaching methods and techniques. The relationship between a coach and his pupil is based on a strong bond and is almost a sacred one. It may be likened the traditional relationship between a guru and his shishya, It is not without reason that all this is being said. Standard in sports in India is fairly good. Young Sportsmen are hard working and dedicated but it is disappointing that these sportsmen do not receive high level of coaching and guidance. Therefore, the achievements of our sportsmen do not match the sportsmen of other countries.

11. In the recently concluded Olympic games at Athens a nation of one billion did not win a single gold medal. It is not out of a sense a cynicism that thinking people refer to the above static but from a sense of deep disappointment that the right kind of effort is not being put in sports by the State or the sporting federations. Is the job of a coach just another job or a higher calling. If the Sports Department is to select mere job seekers then everything is well in the selections made, reservations after all have been given to Scheduled Castes and other categories, posts have been filled without associating real experts. Coaches are in place.

12. However, if coaches are to be selected" who will groom and produce outstanding sportsmen and even some champions then much more care has to be given to the selection process of coaches, if we are to make a mark in the international field.

13. India has great spiritual wealth and is on the verge of an economic breakthrough but the sports fields, where character is shaped and great physical feats are achieved, have not produced many outstanding sportsmen. Sport in India must flower, village and town level sports must be better organized because these are the nurseries from where sportsman rise, it should be remembered that sport also help to inculcate a high level of self-discipline and dedication.

14. At the hearing of this case on November 3, 2004 this court was informed that after the impugned selection was over, Balbir Singh joined as Junior Gymnastics coach in 1989 while Girish Chander also joined as a Junior Coach at M.N.S. Rai in 1989. Kesho Dutt retired in 2002 while Anil Kumar joined as Junior Boxing Coach, Sports Authority of India, in 1989 and Sergeant Jamander Singh Dhaiya

resigned as boxing coach.

15. In this way all the petitioners secured employment and some of them even retired or resigned. Consequently this petition has been rendered infructuous.

16. Before parting with this judgment one is constrained to observe that selection of coaches by the Department of Sports and Youth Welfare should be made in a much more sensible and result oriented manner if the State of Haryana is to send up high calibre sportsmen at the national and international level. It is also worth considering that reservations should not be for individual sporting disciplines but should be made rotatory. Furthermore, there was only one post each in category I in Badminton, Boxing, Cricket, Football, Gymnastic, Hockey, Kabaddi, Lawn Tennis, Skating, Table Tennis as per Annexure P6, (referred to illustratively). In neither of these disciplines could there have "been reservation because reserving one post would amount to total reservation which was against law laid down in Post Graduate Institute of Medical Education and Research, Chandigarh Vs. Faculty Association and Others, .

17. Resultantly, in view of the statement made by the respondents, this petition is being dismissed as having been rendered as infructuous.