

(2023) 01 RAJ CK 0123

In the Rajasthan High Court

Case No : S.B. Civil Writ Petition No. 15078 Of 2019

Bheru Lal Kumawat

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 31-01-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2023) 01 RAJ CK 0123

Hon'ble Judges : Dr.Pushpendra Singh Bhati, J

Bench : Single Bench

Advocate : Khet Singh Rajpurohit, Vinit Sanadhya, Sharvan Kumar

Final Decision : Dismissed

Judgement

Dr. Pushpendra Singh Bhati, J

1. This civil writ petition under Article 226 of the Constitution of India has been preferred claiming the following reliefs:

“(i) The respondents may kindly be directed to award 28 marks for the sports certificate of the petitioner treating it a sports certificate of National level Games.

(ii) The respondents may kindly be directed to revise the marks of the petitioner after awarding 28 marks for sports certificate and consequently include the name of the petitioner in the select list.

(iii) By an appropriate writ order or direction, the respondents may kindly be directed to give appointment to the petitioner after awarding 28 marks with all consequential benefits.

(iv) That any other direction or order may be passed in favour of the petitioners which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

(v) That the costs of this writ petition may be awarded to the petitioner.”

2. Brief facts of the case, as placed before this Court by learned counsel for the petitioner, are that the petitioner has obtained Bachelor Degree in Physical Education from Maharishi Dayanand Saraswati University, Ajmer in 2010. The petitioner, being a sportsperson, participated in various tournaments, pertaining to Handball sport, during the school and College time. Thereafter, looking into his ability and interest in the sport of Handball, the petitioner was selected as team member of the Mohan Lal Sukhadiya University in All India Inter University tournaments held at Periyar University, Salem and the said tournaments were conducted from 12.02.2007 to 22.02.2007; accordingly, the University issued a Certificate to the petitioner of participation in the said tournament.

2.1. The respondent issued an advertisement on 04.05.2018 for thke post of Physical Training Instructor Grade-III, in the said advertisement, the respondent mentioned that the candidates having sports certificate shall be entitled for the marks, as prescribed in the advertisement, and on the basis of the requisite certificate. The petitioner submitted online application for the post of PTI Grade-III and after written examination, the candidates 1.5 times the posts advertised, were declared successful, including the present petitioner, and the candidates were called for documents verification. Thereafter, the respondent declared final result on 26.09.2019, but petitioner was not declared successful therein.

2.1.1 Thereafter, the mark-sheet of petitioner was uploaded on the concerned web portal, which clearly shows that the petitioner was awarded only 16 marks for his sports certificate, whereas the petitioner was entitled for 28 marks.

3. Learned counsel for the petitioner submitted that the petitioner was entitled for award of 28 marks as per the note prescribed in the advertisement for his sports certificate but the respondent failed to consider and awarded only 16 marks, while treating the said sports certificate as pertaining to a State Level tournament. Therefore, as per learned counsel, the action of the respondent in not awarding appropriate and sufficient marks on the basis of the sports certificate is highly arbitrary and bad in the eye of law.

4. Learned counsel for the petitioner further submitted that the petitioner having certificate of participation of National Level Tournaments conducted between the Inter Zone University Games in relation to the sport of Handball and such certificate has been classified as National Level Games as per the sub-item 3(Kha) of the advertisement in question. In support of such submissions, learned counsel placed reliance on the judgment of rendered by Coordinate Bench of this Hon'ble Court in the case of Ram Murti Vs. Rajasthan Public Service Commission & Ors. (S.B. Civil Writ Petition No. 12730 of 2012, decided on 24.01.2014).

5. On the other hand, learned counsel for the respondent opposed the submissions made on behalf of the petitioner and submitted that the certificate produced by the petitioner reveals that it was pertaining to the South-West Zone Tournament. As per learned counsel, the Association of Indian Universities has published a Handbook of Rules & Regulations for Inter-University Tournaments;

the Association of Indian Universities has prescribed Four Zones i.e. East, West, North, South, mentioning there three types of Inter University Tournaments i.e. All India Basis, Two-Zone Basis and Four Zone Basis.

6. Learned counsel for the respondent further submitted that as per the said Handbook, the sports of Handball is organized at Two Zone basis only. Therefore, as per learned counsel, it is clear that the petitioner does not fall under the category of All India Level sportsperson, because the Handball is Inter University Tournament and it was organized at Zonal Level and not at All India Level.

7. Heard learned counsel for the parties as well as perused the record of the case, alongwith the judgment cited at the Bar.

8. This Court finds that the Handbook published by Association of India Universities, as produced by the respondent (Annexure-R.3/1), clearly states that the sportsperson of Handball game do fall under the category of Two Zones basis, as organized at Zonal Level.

Relevant portion of the said Handbook is reproduced as here under:

A. INTRODUCTORY RULES

I.

II. TOURNAMENTS AND ZONES

The tournaments in the following games shall be organized annually by the Sports Board on an All-India basis/2-Zone basis/4-Zone basis as given below. The tournaments shall played on knock-out basis/league basis/ league-cum-knock out basis etc. as decided by the Sports Board from time to time.

A. All-India Basis

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B. Two-Zone Basis

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| 1. Basketball(W) | 2. Handball (M&W) |
| 3. Kabaddi (W) | 4. Kho-Kho (M) |
| 5. Kho-Kho (W) | 6. Tennis (M) |
| 7. Volleyball (W) | |

9. This Court further finds the Handball sport is not organized at All India Level, rather it is being organized at Zonal Level; the present petitioner thus does not fall under the category of All India Level.

10. Thus, in view of the above, and looking into the overall facts and circumstances of the present case, and the material placed on the record, this

Court does not find any case to be made out for making interference by this Court.

11. Consequently, the present petition is dismissed. All pending applications stand disposed of.