
(2021) 02 RAJ CK 0066
In the Rajasthan High Court
Case No : Civil Writ Petition No. 6865 Of 2020

Deu Ram

APPELLANT

Vs

Rajasthan Subordinate And Ministerial Staff Service Selection
Board And Ors

RESPONDENT

Date of Decision : 12-02-2021

Acts Referred:

Citation : (2021) 02 RAJ CK 0066

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Girish Kumar Sankhla, Vinit Sanadhya

Final Decision : Dismissed

Judgement

I.A. No.1/2021 :

For the reasons stated, the application for taking documents on record is allowed; Annexures 11 to 13 are taken on record. SBCWP No.6865/2020 :

1. Petitioner has assailed action of the Rajasthan Subordinate And Ministerial Staff Service Selection Board (hereafter referred to as ""Selection

Board""), rejecting his claim for reservation under Outstanding Sportsperson category.

2. The facts in a nutshell are that petitioner had vied for the post of Live Stock Assistant notified by the respondent-Selection Board vide

advertisement dated 14.03.2018.

3. The petitioner submitted his application on 27.04.2018 and claimed that he is an Outstanding Sportsperson having played 'Choi Kwang Do'.

4. Having cleared written examination, when the petitioner appeared for Document Verification, he produced three certificates before the

respondents, in order to assert that he is an Outstanding Sportsperson, entitled to be considered against posts reserved for such category.

5. Indisputably, petitioner has secured more marks than the cut-off declared for Outstanding Sportsperson; but as the respondents were of the view

that the game which the petitioner plays is not a recognized game, in terms of the advertisement, they rejected his claim of being considered against

the seats earmarked for Outstanding Sportsperson.

6. Mr. Sankhla, learned counsel for the petitioner invited Court's attention towards clause No.10 of the advertisement relating to Outstanding

Sportsperson and submitted that petitioner's case is covered by Clause (3). Relevant clause reads thus :-

3. ?

7. Learned counsel referred to the list of recognized National Sports Federations (Annex.11) and submitted that the petitioner has taken part in 'Choi

Kwang Do' under the aegis of School Games Federation of India. According to him, since school games organized by School Games Federation of

India have been mentioned at S.No.37 of the list, the petitioner having played 'Choi Kwang Do' at National Level under the aegis of School Games

Federation of India (SGFI), is eligible for reservation as an Outstanding Sportsperson.

8. Learned counsel heavily relied upon Annex.12 - communication dated 10.11.2016, issued by School Games Federation of India, and contended that

since the tournament of 'Choi Kwang Do' has been held by SGFI, denial of petitioner's claim is illegal.

9. Mr. Vinit Sandhya, learned counsel appearing for respondent- Selection Board on the other hand submitted that para 10(3) of the advertisement has

twin conditions, i.e., First - the Federation conducting the sports should itself be a recognized Federation and then, the game or tournament should also

be a game recognized by the National Sports Federation.

10. He argued that may be, SGFI is a body recognized, but so far as the game, namely 'Choi Kwang Do' is concerned, it is not. Hence, petitioner has

rightly been ousted from the Outstanding Sportsperson category.

11. Heard.

12. A simple look at the condition of the advertisement quoted in para No.6 above shows that there are three tertiary check points - firstly, the

candidate should secure a medal in individual or team event; secondly, the tournament should be held under the aegis of either Indian Olympic

Association or by any National Sports Federation and then, the sport played by the candidate, also needs to be a sport, recognized by the Indian

Olympic Association or National Sports Federation. Hence, a candidate who clears this three layer test alone, can be treated to be an Outstanding

Sportsperson.

13. The petitioner has claimed reservation on the basis of certificates placed at Annexure-6, 7 & 8 issued by Choi Kwang Do Championships; i.e.,

Certificate of Rank 2 (silver medal), issued by 2nd Rajasthan State Choi Kwang Do Championship 2017-18 (Jodhpur), certificate issued by Choi

Kwang Do Federation of India (CFI), held at Panchkula, granting white senior belt to the petitioner on 19.09.2017 and a certificate of winning silver

medal issued by 14th National Choi Kwang Do Championship, 2017-18 (held between 27th to 29th December, 2017 at Mathura, UP).

14. It will be apt to deal with each certificate one by one to examine petitioner's claim.

(a) Certificate placed at Annex.6 :- It relates to Second Rajasthan State Choi Kwang Do Championship, 2017-18, and since it is a certificate of

championship at State Level and not at National Level tournament, petitioner cannot take benefit of the certificate.

(b) Certificate placed at Annex.7 :- It has been issued by Choi Kwang Do Federation of India (CFI). However, it is only a certificate evincing that

petitioner possesses 'white senior belt' which is a grading or level of expertise and not a rank won in a tournament and the same cannot be considered

to be a medal won at National Level or at State Level.

(c) Certificate placed at Annex.8 :- The petitioner cannot claim reservation on the basis of this certificate either. Annex.8 relates to 14th National

Level Choi Kwang Do Championship, 2017-18, held between 27th to 29th December, 2017 in which the petitioner has won a silver medal. But this

certificate shows that the championship has been held under the aegis of ""Choi Kwang Do Association of UP"", which is said to have been recognized

with the School Games Federation of India. Now, since this certificate relates to championship held by Choi Kwang Do Association of UP and not by

SGFI, the petitioner cannot take any advantage of it.

15. That apart, the moot question, as to whether the game, 'Choi Kwang Do' is a game recognized by the Indian Olympic Association is concerned,

according to this Court, on the basis of material available - the petitioner has not placed anything on record showing that 'Choi Kwang Do' is a game

recognized by Indian Olympic Association or any recognized National Sports Federation.

16. May be, Choi Kwang Do Association is recognized by SGFI, but the same does not serve the cause of the petitioner.

17. As a consequence of the discussion foregoing, this Court does not find any merit or substance in the present writ petition, for which it is hereby

dismissed.

18. Stay petition also stands dismissed accordingly.