

(2014) 12 RAJ CK 0219
In the Rajasthan High Court
Case No : Civil Special Appeal No. 1686/2014

Mohsin Iqbal

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 16-12-2014

Acts Referred:

Citation : (2014) 12 RAJ CK 0219

Hon'ble Judges : Sunil Ambwani, Acting C.J.;Prakash Gupta, J

Bench : Division Bench

Advocate : Gopal Acharya, Advocate for the Appellant

Judgement

1. We have heard learned counsel for appellant-petitioner.
2. This Special Appeal arises out of the impugned order dated 13.10.2014 by which the learned Single Judge has dismissed the writ petition filed by appellant-petitioner claiming 2% reservation for outstanding sportsman in the selection on the post of Sr. Teacher Gr.II in Urdu subject, advertised by the RPSC for which applications were invited vide advertisement dated 02.08.2013.
3. It is submitted that the learned Single Judge erred in law in failing to consider that after the amendment of the rules by the Rajasthan Various Service (Amendment) Rules, 2013 vide notification dt. 15.3.2013 providing for 2% reservation for outstanding sportsman in 52 services, including the services regulated by the Rajasthan Education Subordinate Service Rules, 1971 (Item No. 15), the reservation should have been provided by the Rajasthan Public Service Commission in the subject selections, advertised after the amendment of the Rules.
4. In order to find out whether the appellant-petitioner would qualify as an outstanding sportsman and has been arbitrarily denied reservations in the 2% quota for outstanding sportsman in the selections, we have examined the said Rules as also the record and find that he had participated in the 51st National School Games from 18th to 23rd January, 2006 at Ludhiana as a player

representing the State in Softball in the category of under 19 boys.

5. The definition of outstanding sportsman in the amended Rules does not make him eligible for reservation in case of participation in National Games, organized by the Indian School Sports Federation or concerned recognized National School Games Federation.

6. A candidate in selections may be eligible for reservation in the 2% quota as an "outstanding sportsman" on participation, as specified in Explanation (i), (ii), (iii) and (iv) of Rule 2 of Rajasthan Various Service (Amendment) Rules, 2013 vide notification dt. 15.3.2013 in (i) International tournament organized by the Indian Olympic Association or concerned recognized National Sports Federation; (ii) participation in international tournament organized by the Indian School Sports Federation or concerned recognized National School Games Federation; (iii) participation in national tournament organized by Indian Olympic Association or concerned recognized National Sports Federation in which he had won medal in individual capacity or team event; and (iv) participation in All India University Tournament, organized by Indian Universities Association in which he had won medal in individual capacity or team event respectively.

7. The appellant by virtue of his participation in the 51st National School Games, organized by Punjab Education Department (Schools), representing the State of Rajasthan, was not eligible for reservation in 2% quota, as outstanding sportsman.

8. In the aforesaid circumstances, even if the reservation of 2% was required to be given in the advertisement dated 2.8.2013, since the appellant did not qualify and was not eligible in the category of an outstanding sportsman, he was not entitled to any relief in the writ petition.

9. For the aforesaid reasons, the Special Appeal is dismissed.