
(2021) 02 RAJ CK 0081

In the Rajasthan High Court

Case No : Spacial Application Writ No. 990, 1349 Of 2019

State Of Rajasthan And Ors

APPELLANT

Vs

Altaf Hussain And Ors

RESPONDENT

Date of Decision : 19-02-2021

Acts Referred:

Rajasthan Police Subordinate Service Rules, 1989 — Rule 7(C)

Citation : (2021) 02 RAJ CK 0081

Hon'ble Judges : Sangeet Lodha, J;Rameshwar Vyas, J

Bench : Division Bench

Advocate : Sandeep Shah, Yashpal Khileree

Final Decision : Allowed

Judgement

1. These appeals are directed against orders dated 29.10.18 and 12.4.19 passed by the learned Single Judge of this Court in Writ Petition Nos.

14569/18 & 3615/19 respectively, whereby the writ petitions preferred by the respondents seeking directions to the appellants herein to accord them

appointment on the post of Constable under the category of 'Outstanding Sports Persons' in accordance with the Explanation (iii) & (iv) to Rule 7C of

the Rajasthan Police Subordinate Service Rules, 1989 (for short ""Rules of 1989""), have been allowed.

2. The facts relevant are that the respondents applied for recruitment on the post of Constable under the Outstanding Sports Persons category on the

basis of their participation in the National School Games alleged to have been organized by School Games Federation of India. The respondents had

participated in 61st National School Games, 2015-16 in the game Football U19 organized by School Games Federation of India recognized by Ministry

of Youth Affairs & Sports, Government of India and Indian Olympic Association

and Member of International School Sports Federation and were declared third position in the event.

3. Rule 7C of the Rules of 1989 provides for reservation of vacancies for Outstanding Sports Persons and the Explanation attached thereto, defines

Outstanding Sports Persons, which may be beneficially quoted:

7C. Reservation of vacancies for outstanding sports persons:- Reservation of vacancies for outstanding sports persons shall be 2% of the total

vacancies outside the purview of the commission in that year earmarked for direct recruitment. In the event of non availability of the eligible and

suitable sportspersons in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure and such

vacancies shall not be carried forward to the subsequent year. The reservation for sportspersons shall be treated as horizontal reservation and it shall

be adjusted in the respective category to which the sportspersons belong.

EXPLANATION: ""Outstanding sportspersons"" shall mean and include the sportspersons belonging to the State, who:-

(i) represented Indian Team in Individual or in Team event in any International Tournament of any Sports and Games, recognized by the Indian

Olympic Association or concerned recognized National Sports Federation, or

(ii) represented Indian Team in Individual or in Team event in any International Tournament of any Sports and Games, recognized by the Indian

School Sport Federation or concerned recognized National School Games Federation;

or

(iii) Medal Winner in the Individual or in Team event in any National Tournament of any Sports and Games, recognized by the Indian Olympic

Association or concerned recognized National Sports Federation;

or

(iv) Medal Winner in the All India Inter University Tournament in Individual event or in Team event in the any Sports and Games, recognized by

Indian Universities Association.

4. The learned Single Judge has allowed the writ petition preferred by the respondents with the observations as under:

Further Rule 7C of the Rules, 1989 defines 'Outstanding Sports Persons' 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 'Outstanding Sports Persons'.

The plea raised by the respondents is baseless as how the petitioners do not fall within the definition of 'Outstanding Sports Persons' has nowhere been clarified in the entire reply except for repeating the selection process and requirements indicated in Annex.8 and Rule 7C.

5. Learned Additional Advocate General appearing for the appellants contended that the certificate issued by School Games Federation of India

(SGFI) are recognized neither by Ministry of Youth Affairs & Sports, Government of India nor by Indian Olympic Association. The tournament was

also not organized by Ministry of Youth Affairs. Learned AAG submitted that the respondents do not fall under the category of 'Outstanding Sports

Persons' as per the Explanation attached to the Rule 7C of the Rules of 1989 and the specific categorization mentioned in the guidelines issued.

Learned AAG would submit that participated in the National Level School Games is not covered by the Explanation attached to Rule 7C of the Rules

of 1989. Learned AAG submitted that so far as School Games or Sports participation is concerned, as per Explanation (ii), any person who

represented Indian Team in individual or in team event in any International Tournament or Tournament of any Sports or Games recognized by the

Indian School Sport Federation or concerned recognized National School Games Federation, is only entitled for consideration against the vacancies

reserved for 'Outstanding Sports Persons' and thus, the learned Single Judge has erred in arriving at the conclusion that the respondents are covered

by the definition of 'Outstanding Sports Persons'.

6. On the other hand, the counsel appearing for the respondents contended that the respondents are covered by Clause (iii) of Explanation attached to

the Rules of 1989 and thus, the conclusion arrived at by the learned Single Judge cannot be faulted with. Drawing the attention of this Court to the

certificates issued by the School Games Federation of India placed on record, learned counsel submitted that the respondents participated in the 61st

National School Games 2015-16 in the game 'Football Boys U19' and were declared 3rd position and thus, they were entitled to be considered for

appointment against the reservation for Outstanding Sports Persons. In this regard, the learned counsel also relied upon the guidelines issued by the

appellants for selection process for Sports Persons (2% reservation).

7. We have considered the rival submissions and perused the material on record.

8. Indisputably, as per Rule 7C of the Rules of 1989, 2% of total vacancies are required to be reserved for Outstanding Sports Persons which are

required to be filled in by operating horizontal reservation and accordingly, the respondents have notified the vacancies to be filled in from amongst the

Outstanding Sports Persons. It is not disputed before this court that unless a person claiming consideration of his candidature falls within the

expression 'Outstanding Sports Person' as explained vide Explanation attached to Rule 7C is not entitled for consideration of his candidature for

recruitment to the post against the vacancies reserved for Outstanding Sports Persons.

9. The Explanation (i) to (iv) to Rule 7C covers various International and National Sports and Games event, participation and performance wherein as

specified, makes a person entitle to claim the consideration of his candidature against the vacancies reserved for Outstanding Sports Persons. It is to

be noticed that only Explanation (ii) covers the Sports and Games recognized by Indian School Sports Federation or concerned recognized National

School Games Federation and no other Explanation attached to Rule 7C deals with the participation in School Sports and Games Tournament.

Explanation (ii), covers only a person who has represented Indian Team, in individual or in Team event in any International Tournament of any Sports

and Games recognized by the Indian School Sports Federation or concerned recognized National School Games Federation. The respondents have not

participated in any International Sports and Games event representing the Indian Team in Individual or in Team and therefore, they are not entitled to

claim benefit of reservation meant for outstanding sportspersons by virtue of Explanation (ii) to Rule 7C. A bare perusal of the Explanation (iii) makes

it abundantly clear that it does not cover any School Sports or Games event

recognized by the National School Games Federation, rather, it refers to Open National Tournament of any Sports and Games recognized by Indian Olympic Association or concerned National Sports Federation. Thus, the participation of the respondents in National School Games Championship recognized by School Games Federation of India is not covered by Explanation (iii) attached to Rule 7-C of the Rules either. National School Games Championship is also not covered by any of the description of National Games Championship as mentioned in the Guidelines (Annexure 8) placed on record.

10. In this view of the matter, in the considered opinion of this court, the action of the appellants in refusing to consider the candidature of the respondents for recruitment to the post of Constable against the vacancies reserved for Outstanding Sports Persons to be filled in by operating horizontal reservation is in conformity with Rule 7C of the Rules and cannot be faulted with.

11. For the aforementioned reasons, the orders impugned passed by the learned Single Judge deserve to be set aside and the writ petitions deserve to be dismissed.

12. Accordingly, the special appeals are allowed. The orders impugned passed by the learned Single Judge are set aside. The writ petitions preferred by the respondents are dismissed. No order as to costs.