
(2015) 04 RAJ CK 0015

In the Rajasthan High Court

Case No : Civil Special Appeal (W) No. 663/2007

State of Rajasthan and Others

APPELLANT

Vs

Meenu Chauhan and Others

RESPONDENT

Date of Decision : 01-04-2015

Acts Referred:

Citation : (2015) 04 RAJ CK 0015

Hon'ble Judges : Sunil Ambwani, C.J.; Jaishree Thakur, J.

Bench : Division Bench

Advocate : B.L. Bhati, for the Appellant; Rajeev Purohit, Advocates for the Respondent

Final Decision : Allowed

Judgement

1. Heard learned counsel appearing for the appellants and learned counsel appearing for the respondent.

2. The appellants have challenged the judgment of learned Single Judge dated 29.09.2005, by which, he has allowed the writ petition relying on Laxman Singh Vs. State of Rajasthan and Others, for award of 15 bonus marks in the selections for the post of Physical Training Instructor Gr.III.

3. In Laxman Singh's case, learned Single Judge of this Court had considered the award of bonus marks to the participants in the sports and games in the circular dated 17.01.1998 issued by the Director, Secondary Education, Rajasthan, Bikaner providing for awarding of 5 bonus marks at District Level, 10 bonus marks at State Level and 15 bonus marks at National Level. Rule 11 of the Admission Rules which gives recognition to the various tournaments was quoted in that judgment in which it was provided as follows:--

"1. National Level Tournament

(a) Inter-Zone University/Inter University tournaments.

(b) National Level School Tournaments organized by SGFI.

(c) Federal National Level Tournaments organized by National Federation.

State Level Tournaments:

(a) Inter-college tournaments.

(b) State Level School tournaments.

(c) State Level Federal Tournaments organised by State Federation.

3. District Level Tournaments:

(a) University Inter-Faculties Tournaments.

(b) District School Level Tournaments (organised by the District Education Officer).

(c) Federal District Level Tournaments (organised by the District Sports Federation)."

4. It is submitted that in the present case, the petitioner who is respondent before us has not participated in any games of national level. The certificate issued by "Schools Games Federation of India Member, International Schools Sports Federation" certified that--

"Meenu Rathore represented the Rajasthan State Schools Team in XXXI National Schools Games (Winter Meet Part I and II) organised at New Delhi from 1st to 7th January 1986 by the Schools Games Federation of India as part of the celebration of the International Year of the Youth." 5. We have examined the certificate which was produced for the purpose of awarding 15 bonus marks whereas only 10 bonus marks have been given to the respondent.

6. In the certificate produced by the respondent, the event in which the respondent participated has not been given. The certificate refers to the celebration of the International Year of the Youth in which she was nominated to represent at New Delhi. It also does not talk of National Level School Tournament organised by SGFI which was the participation for the national games which could be taken for grant of 15 bonus marks. The participation in the celebration of international event even if it was organised by Schools Games Federation of India was not sufficient to award any bonus marks at all. We do not find that learned Single Judge had considered as to whether the certificate produced by the respondent will entitle her to get any bonus marks in the selection. In her representation, the petitioner stated that she has participated in hockey. The certificate however, does not refer to any game in which the petitioner had participated.

7. In paragraph 12 and 15 of the reply given by the appellant, it is stated as under:--

"12. That the contents of the para No. 12 of the writ petition that reply to the para No. 12 it is submitted that Respondents No. 4 marks secure 77.9 per cent

and she placed at serial No. 19 of merit list. The petitioner secure 72.21% and her merit was assessed at serial No. 49 because the Games Certificate submitted by the petitioner was not of National Level nor it was counter signed by Director, Secondary and Director Games. In these circumstances the petitioner was awarded 10 marks for games Certificate and accordingly his merit was assessed at serial No. 49 which was just, proper, valid and in accordance with selections criteria.

15. That in reply to contents para No. 15 of the writ petition it is submitted that the petitioner was rightly awarded 10 marks for the games certificate produced by her for the reasons that it was not of National Level Certificate nor it was counter signed has required. It is made clear that the Annexure No. 6 produced by the petitioner was not of a National Level Games Certificate but it was a certificate issued showing pertinent in the Celebration International Year of the Youth. In this circumstances since the petitioner was not entitled for awarding 15 marks and she was rightly awarded 10 marks and thereafter her merit came at serial No. 49. Since the merits of respondents No. 4 came at serial No. 19 therefore, the petitioner has got no lis against the respondent No. 4."

8. Learned counsel appearing for the respondent submits that respondent was awarded 10 marks and that the question was not of participating in the games in any tournaments but that of the validity of the certificate for having participated in the National School Game. When 10 bonus marks were awarded, the question of validity of certificate for award of marks was not in issue.

9. We have examined the certificate produced by the respondent. It does not relate to the participation of the petitioner in any tournament of any event in the national games and thus she was not entitled to any bonus marks.

10. We are informed by the learned counsel for the appellants that the respondent had not joined as the judgment of the learned Single Judge was stayed.

11. The special appeal is allowed. Judgment of learned Single Judge dated 29.09.2005 is set aside.