

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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IN VIRTUAL COURT

**CWP No. 14691 of 2020
Date of decision : 29.1.2021**

Vishwajeet Singh

.....**Petitioner**

Vs.

State of Haryana and another

.....**Respondents**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Arjun Pratap Atma Ram, Advocate, for the petitioner

Mr. Kuldeep Tiwari, Addl. AG, Haryana

Rajbir Sehrawat, J. (Oral)

The idiom: ignorance is a bliss. Thomas Gray, who coined this idiom way back in 1768 in his poem to highlight the fact that it is a blessing in disguise for man that he is ignorant about future events and this ignorance gives the person an occasion to enjoy happiness which is otherwise, very short lived, must not have realized the other side of the effects of ignorance. The ignorance can be a curse as well, when the same is accompanied by the vice of indulging self righteousness. Still further, the ignorance of a person can play havoc to another if the ignorant happens to be afflicted with another vice of human instincts, namely the jealousy, creating rivalry. Furthermore, if the ignorant afflicted with jealousy happens to a King, then his ignorance can play havoc to any person and every person, because his audience will be more than

willing to execute the decree of the King, partly because of their inherent trait of psychopancy; and partly due to fear of reprisals. In such a situation the ignorant King may not spare even his kinsmen and the surrogate King. In the present case, the king happens to be a senior IAS Officer. The surrogate King happens to be a junior IAS Officer promoted from State Civil Service. The audience happens to be the officials working in government offices and dealing with the file in the present matter. The victim happens to be the son of the surrogate King, who claims to be a person of international repute in a particular sport and who has been denied the benefit claimed by him, by denying his international achievements.

The necessary facts, in brief, as involved in the present case; and as can be derived from the documents placed on record by both the parties are, that Haryana Public Service Commission advertised 166 posts of HCS (Executive Branch) and Allied Services vide advertisement dated 2.8.2018. In this advertisement, 48 posts were of HCS (Executive Branch). Out of these 48 posts, 2 posts were reserved for 'Eligible Sports Persons' (ESP) of Haryana. The petitioner claims that he has been playing the sport of 'Shooting' from the age of 8 years and in his journey upto date, he earned 6 international medals, which included one gold medal, 3 silver medals and 2 bronze medals in World University Championship, International Shooting Competition, The World Cup, The Junior World Cup, The Asian Airgun Shooting Championship and other various Championships, organised by International Sports Shooting Federation (ISSF). In the process, he earned Silver Medal in ISSF Junior Cup Tournament held in Suhl (Germany) in the year 2014, which is involved in the present petition. Besides this, the petitioner earned 81 medals in the sport,

which included 37 gold medals, 25 silver medals and 19 bronze medals. Since the petitioner was eligible to compete in the category of 'Eligible Sports Persons', therefore, he got the gradation certificate from the Sports Department of Haryana as required under law for his silver medal in ISSF Junior World Cup; and applied for the post advertised by Haryana Public Service Commission. The petitioner took the written competitive exam held for the posts of HCS (Executive Branch) and Allied Services by Haryana Public Service Commission from 16.8.2019 to 20.8.2019. On the basis of his merit obtained in written exam, he was called for viva voce, which was held from 11.11.2019 to 15.11.2019. Having finalised the merit of selection, the Haryana Public Service Commission declared the result of selection on 19.12.2019. The petitioner, who had participated under Roll No. 3944 was declared as successful and recommended for appointment by Haryana Public Service Commission in the category of Eligible Sports Persons. Thereafter, accepting the recommendations, respondent No.2 asked the selected candidates, including the petitioner, to bring their original degree/certificates for checking vide letter dated 21.12.2019. Also, vide another letter dated 21.12.2019, the petitioner was asked to undergo medical examination, in which he was declared to be fit. Vide still another letter dated 21.12.2019, the petitioner was asked to fill up 3 sets of 'attestation form' for antecedent verification. The petitioner also filled up and submitted the said form. The verification report qua the antecedent of the petitioner was also received by respondent No.1 on 13.1.2020. In the meantime, the respondent/State offered appointments to 44 persons on the post of HCS (Executive Branch). However, the name of the petitioner did not find mentioned in the said list. At this stage, the other

persons recommended in Eligible Sports Persons category were also issued the appointment letters. The appointment of the petitioner, as well as, of one other candidate selected for HCS (Executive Branch) namely; Ms. Anmol was withheld by respondent No.1 and the respondent No.1 had written a letter to the Director, Department of Sports and Youth Affairs, Haryana for verification of their sports gradation certificates and their sports achievements certificates. The respondent No.2 sought verification from the National Rifle Association of India vide his letter dated 22.1.2020. The same was replied by the National Rifle Association of India, by e-mail on 23.1.2020 and while verifying the certificate of the petitioner, the necessary information was supplied. Once again, the Directorate of Sports, State of Haryana sought information from the National Rifle Association of India vide letter dated 29.1.2020 raising particular queries qua the certificate of the petitioner. All these queries were replied by the National Rifle Association of India vide their letter dated 30.1.2020, through e-mail, wherein all the queries raised by the department were answered in 'Yes' and the achievements and certificates of the petitioner were verified to be genuine and as having been duly obtained after due participation in the events. The result book of the said event was also sent by the National Rifle Association of India to the Directorate of Sports, Haryana. The result book reflected that there were 3 participants in Indian team. All of them played for team but got individual scores. In his performance, the petitioner stood at number 16th in overall tally as per individual scores. But the aggregate score of Team India was higher enough to get it the Silver medal. Accordingly, the Silver Medal was granted to the team. Hence, it was verified that the silver medal which has been claimed by the petitioner was rightly

awarded to the petitioner in the team event; and as a person who had actually participated in the said event. These assertions were duly supported from the record sent by the National Rifle Association of India to the Directorate of Sports and to the respondent No.2. Besides this, the respondents had also written letters to International Sports Shooting Federation (ISSF), with copy to National Rifle Association of India. When asked by the International Shooting Sport Federation to comment, the National Rifle Association of India had also intimated to the International Sports Shooting Federation regarding these queries from the government along with the answer given by the National Rifle Association of India. As a result, vide letter dated 3.2.2020, the International Sports Shooting Federation verified the certificate and participation of the petitioner in the said event and informed the respondents that International Sports Shooting Federation agrees with the National Rifle Association of India's reply; and confirms the same. The said reply from International Sports Shooting Federation was duly received by the Directorate of Sports through e-mail, along with the relevant record.

Before this, vide letter dated 9.1.2020, respondent No.2 informed the respondent No.1 that the petitioner was claiming certificate and medal on the basis of participation in International Sports Shooting Junior World Cup-2014. The Indian Shooting Team; of which the petitioner was a member; had been sent/sponsored by the Sports Authority of India, Ministry of Youth Affairs and Sports. Junior World Cup 2014 was an International Shooting Championship and it was organised by International Sports Shooting Federation. The petitioner won 25 Meters Pistol Shooting Sport Silver Medal in this Championship. The said certificate had been issued by the International Sports Shooting Federation and signed by International Sports Shooting

Federation President and Secretary General. The accompanying record was also sent by respondent No.2 to the respondent No.1. Similar information was also sent qua another sports person Ms. Anmol vide this letter. However, this letter also contained a clause that 'notice has been issued by the government to the petitioner for recovery of cash award given to him on account of his sports achievement in this tournament and that the decision on the same was still pending with the Government. However, it was not mentioned as to why and on what basis the notice for recovery had been issued to the petitioner.

Not feeling satisfied with the above said verification from the concerned authorities, the Director Sports, Haryana; again wrote a letter to the President of International Sports Shooting Federation on 18.5.2020; with copy to the National Rifle Association of India; seeking information regarding the age criteria required to participate in the junior competition, as well as, qua the eligibility regarding the date of birth of the players to participate in the said Cup (whatever it means). This information was supplied by the National Rifle Association of India on the very next day i.e. On 19.5.2020 and it was informed that any shooter below the age of 21 years as on 31st December of the year of competition is eligible to participate in Junior Category. This age is determined under the International Sports Shooting Federation rules which were being followed in all competitions in India as well. It was also informed that for ISSF Junior Cup-2014 held at Suhl (Germany), the shooters born on 1990 onwards were eligible to participate. To the same effect was the reply of International Sports Shooting Federation sent through e-mail dated 19.5.2020. After clarifying that junior athletes are those who are under the age of 21 years on 31st December of the year of competition, the International Sports Shooting Federation also reproduced the regulations governing the sport in this regard.

There is no dispute that all these communications have been duly received by the respondents.

Despite the above information, the respondent No.1 again wrote a letter dated 14.7.2020 to respondent No.2 to clarify as to whether the event in which the petitioner claimed medal was a 'team event' or an 'individual event' and further whether the petitioner was eligible to play in ISSF Junior Cup-2014 held at Suhl (Germany) according to the rules of International Sports Shooting Federation or not. The respondent No.2 then again wrote letter to the National Rifle Association of India for verification of the certificate of the petitioner. The National Rifle Association of India once again confirmed the genuineness of the certificate of the petitioner vide their letter dated 6.8.2020. Along with this letter, the earlier reply supplied by the National Rifle Association of India in response to the query from the respondents were also attached. However, it was specifically clarified that the ISSF Junior Cup-2014 held at Suhl (Germany) was organised with the authority of International Sports Shooting Federation. The necessary documents were also attached in this regard. It was further clarified that the certificate of the petitioner was genuine and was issued by International Sports Shooting Federation. Further; it was clarified that it was a 'Team event' conducted during ISSF Junior Cup-2014 held at Suhl (Germany) and that the petitioner won silver medal in 25 Meters Sport Pistol Junior Men Team event. Besides this, the respondent No.2 had also sought verification qua the genuineness of ISSF Junior Cup-2014 held at Suhl (Germany) from Sports Authority of India vide letter dated 5.8.2020. It was specifically asked from Sports Authority of India to clarify whether the invitation letters to the petitioner and the other candidate namely; Ms. Anmol

Youth Affairs, Government of India, and whether the Sports Authority of India, Government of India had granted permission to both players to participate in their respective events. It was also asked to provide the calendar of the event. The copy of this letter was also sent to the National Rifle Association of India. This letter was also replied by the National Rifle Association of India vide their letter dated 7.8.2020 and also by the Sports Authority of India. It was clarified by both these organisations that invitation for participation in the international competition are received by the National Sports Federation. These invitations are then submitted to the Ministry of Sports, Government of India and to Sports Authority of India; with relevant details; for clearance of the team for participation in the said event. Qua the tournament in question, it was informed that Sports Authority of India had sanctioned the participation of the team in ISSF Junior Cup-2014 held at Suhl (Germany) vide letter dated 20.5.2014. Name of the petitioner in the sanctioned letter was at Serial No. 4. The copy of the letter was also sent by National Rifle Association of India to respondent No.2 along with calendar of the event.

In the meantime, respondent No.1 had issued letter of appointment to the other candidate namely, Ms. Anmol with a stipulation that her appointment was subject to condition of verification of certificate/degrees. However, qua the petitioner; once again the letter was written by respondent No.2 to the President of International Shooting Sport Federation on 14.8.2020 seeking the following information :-

- “1. Whether ISSF Junior Cup 2014 was organised under the authority of ISSF?
2. Whether the enclosed certificate has been issued by ISSF is genuine?

3. Whether it was a team event or individual event?
4. What was the position of Sh. Vishwajeet Singh in the events?
5. Whether Shri Vishwajeet Singh was eligible to play the ISSF Junior Cup-2014 according to rules of ISSF or not?"

Upto this stage, the petitioner was not made aware as to why the repeated objection was being raised qua his certificate and as to who is the person who was raising all these objections.

The record also shows that the National Rifle Association of India duly responded to the letter written by the the respondent to Sports Authority of India dated 5.8.2020, which is as under :-

“This has reference to your letter No. Sports C&T/2020/23677-78 dated 5.8.2020 addressed to DG, SAI with a copy to this office.

The reply pertaining to Shri Vishwajeet Singh (Shooter) is sent herewith :

a. The invitations for participation in any international competition are received by the National Sports Federation (NSF) and NSFs submit these invitations to MOYS/SAI with other relevant details for clearance of team for participation.

b. The copy of SAI sanction No. 16(2)/SAI/TD/SHOOTING/INT.COMP/3/2014-15 dated 20.5.2014, for participation in ISSF Junior Cup Rifle/Pistol/Shotgun at Suhl, Germany from 25.5.2014 to 1.6.2014, is attached herewith. The name of Shri Vishwajeet Singh is mentioned at Serial No. 14.

c. A copy of ISSF calendar for the year 2014 is attached herewith. We also attach herewith copy of invitation which includes schedule of events during the competition.”

The respondent No.2 also sent a letter, again, to the Sports Authority of India dated 27.8.2020 addressed to the Director, Sports Authority of India. In that letter, the questions which were raised in earlier letter dated

5.8.2020 were repeated. The Sports Authority of India vide their letter dated 1.9.2020 replied the same in the manner as given below :-

“I. The invitation for participation in any international competition are received by the NSF and NSFs submit these invitation/proposal to MYAS/SAI for further approval with other relevant details for clearance of team for participation. In the extant case, nomination for the championship were received from the concerned NSF and subsequently approval was sought for the Championship and sanction were issued to concerned NSF.

II. The copy of Sanction Order No. 16(2)/SAI/TD/SHOOTING/INT.Comp/3/2014-15 dated 20.5.2014. The name of Sh. Vishwajeet Singh is mentioned at Serial No. 14. Similarly, Smt. Anmol represented India in the year 2009 Commonwealth Wrestling Championship held at Jalandhar from 17th to 20th December 2009 in 72 Kgs. Of Women Wrestling and she won a Bronze medal. The copy of Sanction of SAI Order No. SAI/TD/WR/CWG/20-09-10 dated 14.12.2009 and the copy of selection committee minutes of WKI are attached.

III. Copy of Event Calendar and results for Shooting and Wrestling are attached.”

Along with this letter the calendar of event and the copy of the passport of the petitioner was also sent by Sports Authority of India to show that the petitioner had actually gone to Germany and participated in the event with prior sanction and permission of the Sports Authority of India, Ministry of Sports, Government of India.

The record would show that respondent No.1 was dealing with the case of the petitioner in his office. The office noting shows that the office had clarified further on the basis of the replies received from the various quarters and a note was put up for information to the Chief Secretary as under :-

“In view of the replies received from NRAI, ISSF and SAI, it is

proposed to inform W/CS with regard to points raised in PUC that, ISSF has verified the genuineness of organizing authority and achievement certificate of Sh. Vishwajeet Singh and it was a team event. Further, Sh. Vishwajeet Singh was eligible to play the ISSF Junior Cup-2014 according to rules of ISSF. It is also proposed to send the point-wise information (as received from NRAI, ISSF and SAI) to W/CS.”

Still further, as had come above, there was a proposal for withdrawing the cash award received by the petitioner on account of participation in the event. In that matter also a Committee specially constituted to enquire about the petitioner had mentioned that the petitioner was rightly granted the cash award like any other eligible applicant and that nothing wrong had happened in that matter. It was also clarified that the Director Sports and the Secretary Sports had already clarified in the matter that no wrong-doing had happened in the matter.

The above said facts were not even disputed by the respondents in their written statement filed on behalf of respondent No.2 and, according to the facts pleaded upto this stage, it was not even made clear as to what was the exact objection against the certificate of the petitioner and as to who had, actually, raised the dispute. The pleaded facts had only shown various questions being repeatedly asked by the respondents from various authorities qua the certificate, and only an oblique reference of father of the petitioner had been mentioned.

However, at the stage of final arguments, additional affidavit has been filed on behalf of respondent No.1 to answer the replication filed by the petitioner, along with another rejoinder. This affidavit brings the cat out of the bag. This affidavit has pointed out the person who had made the complaint, the

objections raised by the complainant and also the reason behind such complaint. The affidavit shows that it is one Dr. Ashok Khemka, an IAS officer, who sent a letter dated 27.12.2019 to the Chairman, Haryana Public Service Commission and to respondent No.1-Chief Secretary, Government of Haryana. At the time of making this complaint Dr. Ashok Khemka was posted as Principal Secretary to Government of Haryana. Although earlier Dr. Ashok Khemka had remained posted as Principal Secretary to the Government of Haryana in Sports Department, however, on the date when this complaint was made by him, he was no longer concerned with this department. Rather he was posted Principal Secretary to Government of Haryana in another Department of Archives, Archaeology and Museums. Therefore, although written by mentioning his official designation and being sent with a letter number from his office, this letter is in the form of a personal complaint by Dr. Ashok Khemka. In this letter Dr. Ashok Khemka raised general complaint qua the selection in question saying that the competition in the selection was wrongly restricted to only a few persons although thousands of persons would be having the sports grade to make them eligible for the said competition. However, all those eligible persons may not be having the knowledge of the relevant policies of the Government, therefore, the selection in question was vitiated due to unfairness. Besides this, a specific complaint was also raised regarding the petitioner in which it was stated that the 'A' Grade sports gradation certificate of the petitioner was wrongly issued by his father, who was posted as Director Sports, Haryana at the relevant time. He issued this certificate on the date when he had been transferred out of his department and without informing the higher authorities. It was also asserted in this complaint that the organizer of

this tournament was not the international shooting sports federation and that the petitioner secured only 16th position in individual event, and further, that no medal was ever awarded to him for a team game either. The complaint further said that as per the result of the said tournament available on the website, 3 shooters representing India secured 3rd, 5th and 16th Rank in the individual event. A medal given in this manner does not make a person a medal winner. The father of the petitioner has wrongly enhanced the gradation of his son while issuing the certificate under Instructions dated 25.5.2018. Further, it was alleged that the instructions already stood amended on 15.11.2018; and under those instructions the petitioner was not entitled to any gradation on the basis of participation in the said tournament. The other grievance raised by Dr. Ashok Khemka was that it was inappropriate for the father of the petitioner, who was also an IAS Officer and posted as Director of Sports Department; to grant gradation certificate to the petitioner. In another breadth the complainant alleged that the father of the petitioner had ante-dated the application for getting certificate to 8.6.2018; to rationalize the issuance of the gradation certificate issued on 12.6.2018. The complainant had also said that the conduct of the current Director Sports; in not revoking the Grade A certificate to the petitioner after amended notification of 15.11.2018; was also dubious. The complainant also asserted that the father of the petitioner, who is a promoted IAS Officer was the member of the National Rifle Association of India. He manipulated the medal in favour of his son. He did not inform qua his membership of National Rifle Association of India even to the complainant; who was the then Secretary to Government of Haryana, Sports Department.

Not satisfied with the above said complaint, Dr. Ashok Khemka

also wrote another letter to the Chief Minister dated 16.1.2020; in which he again raised his grievance alleging wrong doings on the part of the then Director Sports, the Principal Secretary to the Government of Haryana, Department of Sports and also by the Haryana Public Service Commission. He also raised questions on constitution of the Committee comprising of the Director, nominee of Secretary and the nominee of Haryana Public Service Commission to enquire into that aspect. It was asserted by him that those who are asked to explain their conduct of committing a corrupt act; have been appointed member of the enquiry committee to act as a judge of their own conduct. The office of the Chief Minister have not carefully read his complaint and have not appreciated the grievance properly. Hence, Dr. Ashok Khemka requested the Chief Minister to give him audience so as to explain to him how the fraud had been committed and why the registration of a criminal case was imperative in the matter. While saying that Haryana Public Service Commission and the Sports Department have several questions to answer, the complainant reiterated the questions regarding issuance of certificate, validity of the tournament, status of the tournament, award of medal to the petitioner despite standing 16th position in the tournament, the medal being on the basis of team score and being claimed as an individual event medal, the acquisition of membership of National Rifle Association of India by the father of the petitioner, the process of issuance of the certificate, wherein certain coaches are stated to have raised their objections; and also as to why the proper publicity was not given by the Government qua the sports quota seats before starting process of recruitment by the Haryana Public Service Commission. Therefore, it was reiterated that there was a public fraud involved in the matter and some

neutral authority be entrusted to enquire into the matter. Although the Dr. Ashok Khemka is the initiator of the complaint, he has not moved any application to become a party to the petition, nor has the petitioner made him a party to the petition.

As per the separate rejoinders filed by the State, now at the stage of final arguments, the stand taken by the state is that the President, International Shooting Sport Federation although provided requisite information pursuant to the letter dated 19.5.2020 written by the State, however, the specific questions raised by the respondents in their letter dated 14.8.2020 have not been replied so far. The information supplied earlier by the International Shooting Sport Federation on 18.8.2020 and the one received from the National Rifle Association of India was selective and did not answer the questions raised by the respondent-department. It was also alleged that now the State Government has approved the proposal of the answering department to write a letter to the Ministry of External Affairs, Government of India to direct the Indian Embassy in Germany to ask the International Shooting Sport Federation and the Chairman, Shooting Sports Federation to provide the information as sought in the letter dated 14.8.2020. However, no such letter or the approval of the government has been placed on record before this Court. Besides this, it has also been asserted that there is a doubt regarding the certificate issued in favour of the petitioner itself. The coaches who were associated by the District Sports and Youth Affairs, Office, Panchkula at the time of issuance of the certificate have not unanimously approved the grading of the petitioner. 3 coaches have written against their signatures as 'u/p' which, according to State, refers to 'under protest'. It is also asserted that in application form the petitioner had not replied to the column of

participation in '25% or more' games in a team event, as required by the instructions. It is also the stand of the State that now the State has referred the matter to the Vigilance Department and the Vigilance Department had registered a regular enquiry into the matter against the father of the petitioner qua the issuance of the certificate. Hence, as per the stand of the State, the objection to the certificate issued to the petitioner range from the defect in process of issuance of the certificate, the petitioner not being entitled to Grade A as per the instructions applicable in the matter, genuineness of the authority who issued the said certificate, genuineness of the tournament in which the petitioner is stated to have participated, the eligibility of the petitioner to get medal on the basis of his participation in the event in which he is stated to have stood 16th in his individual capacity, suspicion regarding all verifications made by all the authorities so far. Since the pleadings of the State show indefinite and varying stands qua their objection to the certificate of the petitioner, therefore, it was specifically asked from the State counsel as to what exactly was the objection of the State against the petitioner. The answer of the State was that the enquiry is still going on in this regard!

Arguing the case; the counsel for the petitioner has submitted that the petitioner is being targeted because of his father being an IAS Officer. Otherwise, as per the government record itself, the petitioner participated in the tournament. As per the instructions issued by the State Government, the medal received by the petitioner in the said tournament is eligible for making the petitioner entitled to being graded as 'A Grade' sports person. Accordingly, the said 'A Grade' only was granted. It is further submitted that the father of the petitioner was not even the only person who could have granted the certificate

to the petitioner on his own. For grant of the said certificate, the process has to initiate at the level of District Sports Office. The petitioner had duly applied to that office. The application of the petitioner was processed at the level of District Sports Office; and also at the level of the Directorate; in accordance with law. Only thereafter, the certificate was issued to the petitioner. The complainant Dr. Ashok Khemka has made a totally baseless complaint against the petitioner. His complaint smelt of total ignorance about the sports activities. He does not even understand that in the event of shooting sport, besides the individual events, there are team events, where the players participate as a team but perform individually. Their individual scores are added as the team score and on the basis of such scores obtained by the respective teams, the position of the team is determined. This is the standard practice in case of shooting sport at all levels. Accordingly, the International Shooting Sport Federation has also conducted the said tournament and the team, in which the petitioner was a member, had secured a silver medal. Accordingly, the petitioner was rightly granted silver medal being member of the winning team. The other objections regarding the tournament, participation of the petitioner, eligibility of the participants in the tournament and the question as to who conducted this tournament are totally irrelevant questions and have been repeatedly raked up by the respondents only to create a ground to deny the petitioner his rightful appointment. Otherwise; all these questions are already answered by the record which is submitted to the respondents. Even the concerned authorities, namely International Shooting Sport Federation, National Rifle Association of India, Sports Authority of India, Government of India; and all other relevant authorities have duly verified the

participation of the petitioner in the event, the genuineness of the tournament, as well as, qua the eligibility and the medal of the petitioner. Despite that; the respondents kept on sending the repeated questionnaire to the said authorities raising the same questions; in the hope that at some stage those authorities would stop responding and that would give the respondents a cause to say that the verification of the petitioner is still pending. By adopting this methodology, the entire effort of the respondents is to delay the appointment of the petitioner as much as they can. In this process of selection, the other candidates already stood appointed about one year back, however, the appointment of the petitioner is being withheld by the respondents totally illegally. It is further submitted that qua the process of issuance of certificate to the petitioner as well, the enquiry has been held twice. First, at the time of issuance of the gradation certificate; originally, the committee was constituted by the District Sports Office. It was only when the credentials of the petitioner had been assessed that the committee had cleared the case of the petitioner for issuance of the gradation certificate. Subsequently, on the orders of the Chief Secretary, even the Sports Department had constituted another committee at the level of the office of the Directorate of Sports, Haryana. Even the second committee had verified the entire thing and had reported that the certificate was rightly issued to the petitioner grading him as 'A Grade' sports person. Not only this, another committee was also constituted comprising the representatives of the Secretary Sports, Department of Haryana and the Director, Sports Department, Haryana, as well as, the representatives of Haryana Public Service Commission. Even that committee had recommended that the petitioner has rightly been graded and he has rightly been granted the

cash reward. Accordingly, office note has also brought to the notice of respondent No.1 that there was no wrong doing either in the issuance of the certificate to the petitioner or in grant of cash reward to him. Despite this entire exercise having been undertaken, again the respondents are harping upon some vigilance enquiry into the matter. It is further submitted by the counsel for the petitioner that even if there is some dereliction of duty or diversion from the prescribed procedure by the father of the petitioner in the process of issuance of 'A Grade' to him; still that would not wipe out the sports achievements of the petitioner. Father of the petitioner was not the organizer of the tournament or the member of any organization which conducted the tournament. Father of the petitioner was not the person who granted sanction to the petitioner to participate in the event in Germany, it was the Government of India. Therefore, by alleging some diversion in the process of issuance of the certificate, the petitioner cannot be denied the benefit of his hard-earned sports achievements. The respondents could have taken an objection that the sports achievements of the petitioner does not qualify him to be graded as 'A Grade' for his participation and winning the medal in the said event, however, that is not even the case of the respondents because under the instructions issued by the respondents themselves, the petitioner is entitled to 'A Grade' as per his Medal in the event in question. Hence, whether the certificate was issued by the father of the petitioner or some other person in his capacity as Director Sports, the result would have been the same and the petitioner would have been graded as 'Grade A' sports person. It is also submitted that even after the father of the petitioner had left the office of the Director, similar 'Grade A' certificates were granted to other sports persons for participating in

the same event as of the petitioner.

On the other hand, the counsel for the respondents submitted that the process of verification of the genuineness of the certificate of the petitioner is still going on. Till that process is completed, the appointment letter cannot be issued to the petitioner. It is further submitted by the counsel for the State that the High Court is not required to sit as an authority to decide whether the certificate of the petitioner is genuine or not. It is for the State Government to arrive at a conclusion in this regard. Referring to the process of granting 'A Grade' certificate to the petitioner, the counsel for the State has reiterated that some coaches, who were associated by the District Office with the process of issuance of the 'A Grade' certificate in favour of the petitioner, have written the words 'u/p' along with their signatures. Therefore, these persons have put their signatures under protest. Accordingly, it is obvious that it was the father of the petitioner who pressurized those persons to grade the petitioner in 'A Grade'. Hence, the State has even ordered vigilance enquiry into the grant of 'A Grade' and the vigilance Department has registered a regular enquiry against the father of the petitioner in this regard. Unless the name of the petitioner is cleared by the Vigilance Department, the petitioner cannot be offered the appointment. However, the counsel for the State has not been able to deny anyone of the replies received from the International Shooting Sport Federation, National Rifle Association of India and the Sports Authority of India, Government of India; and it is also not disputed that earlier enquiry was conducted by another committee at Head Office level in the Directorate and the said committee had also found the certificate of the petitioner to be rightly issued. The counsel has also not been able to deny that after seeing the report of the committee,

comprising nominee of the Secretary Sports, Director Sports and the Haryana Public Service Commission, even the Chief Secretary had ordered that the matter be dealt with by the administrative department at its own level. Obviously, since these facts are recorded in the government files only, therefore, the counsel has not been able to deny that even the noting file of the government contains the note that the 'A Grade' certificate in favour of the petitioner was rightly issued and that there was no wrong doing in the grant of cash reward to the petitioner. However, counsel has reiterated that the petitioner had not filled up the column of participation in '25% or more' matches in his application, as required under the instructions. It is also argued that the event claimed by the petitioner was organised by German Shooting Federation and not by International Shooting Sport Federation. So it does not qualify the petitioner for 'A Grade'.

Having heard learned counsel for the parties and having perused the record, this Court finds substance in the arguments of the counsel for the petitioner.

The petitioner claims that he participated in ISSF Junior World Cup-2014 held at Suhl (Germany) and that he had won silver medal in the team event at the said championship. Assuming that the petitioner participated in that event and won the silver medal, the next question is whether the petitioner is at all entitled to 'Grade A' certificate on the basis of such achievement; from the Sports Department of Haryana. In this regard, it is relevant to have reference to the Instructions dated 25.5.2018, which are the relevant instructions for the purpose of the present recruitment; being the instructions prevalent at the time of last date of issuance of advertisement. The said

instructions are reproduced as under :

“No. 4/40/2017-4SYA – In supersession of the instruction No. 12/44/88-2GSI dated 30.11.1993 issued by Chief Secretary to Government of Haryana (General Administration Department), the Governor of Haryana hereby notifies the following guidelines for issuing sports gradation certificate to the eligible sports persons' (ESP) for jobs under Sports quota and other purposes.

2. The sports gradation certificate type, eligibility for jobs under Sports quota and the authority competent to sign and issue the sports gradation certificate will be as follows :

Sports Gradation Certificate Type	Eligibility for Jobs under Sports Quota	Authority Competent to sign and issue Sports Gradation Certificate
Grade-A	All posts	Director, Sports and District Sports & Youth Affairs Officer (of concerned district)
Grade-B	Posts, other than Group-A	Jointly.
Grade-C	Posts, other than Group-A and Group-B	District Sports & Youth Affairs Officer (of concerned district)
Grade-D	Only Group-D posts	

3. Eligibility :

- (i) The sports person plays for Haryana State at national level; or
- (ii) The sports person is Haryana domicile and does not represent State/UT other than Haryana at national level.

4. Sports Discipline Covered :

- (i) Only those Sports/Games which are included in Haryana Sports Policy, as amended from time to time.
- (ii) For international/Asian/Commonwealth tournaments, the individual/team should be sent/sponsored by Ministry of Sports and Youth Affairs or Sports Authority of India or National Level Sports Federation affiliated to Indian Olympic Association.

5. Category of Tournaments :

The tournaments are categorized in decreasing order of level of competitive difficulty as per the following table :

Category No.	Tournament	Organizing Authority
1	Olympics	International Olympic Committee(IOC)
	Paralympics	International Paralympics Committee (IPC)
2	4-year World Championship (restricted to Sports disciplines played in Olympics/Paralympics)	International Federation of concerned game, recognized by IOC/IPC.
3	Asian Games	Olympic Council of Asia
	Para Asian Games	Asian Paralympic Committee
	Youth Olympics	IOC
4	Commonwealth Games	Commonwealth Games Federation
	Commonwealth Games (Para Athletes)	
	Youth Asian Games	Olympic Council of Asia
5	Other World/International Championship	International Federation of the concerned game, recognized by the IOC.
	Youth Commonwealth Games	Commonwealth Games Federation
	Deaflympics	International Committee of Sports for the Deaf (only those recognized by IOC)
	Special Olympics	Only those which are recognized by IOC
	IPC World Cup/Championship (held annually or biennially)	IPC
	IBSA World Championship	International Blind Sports Federation
	World University Games	International University Sports Federation
6	Other Asian/Commonwealth Championship	Asian Federation of the concerned game, affiliated to the Olympic Council of Asia/International Federation/Commonwealth Games Federation
7	SAF Games	South Asian Games Federation
8	International/Domestic Cricket Test/One day	ICCI/BCCI
	Blind Cricket World Cup (held in four years)	World Blind Cricket Council
10	National Games	Indian Olympic Association
11	National Championship	National Federation affiliated to IOA/ Ministry of Sports & Youth Affairs (GOI).

Category No.	Tournament	Organizing Authority
12	National School Games/ Khelo India/All India Inter University Games/ All India Women Sports/ All India Civil Services/ All India Police/ All India Rural Sports etc.	School Games Federation of India/ AIU/ Ministry of Sports & Youth Affairs (GOI)
13	State Games/State Women Sports/ State School/State Rural & Panchayats/ State Inter University	Haryana State Association recognized by the concerned National Federation affiliated to IOA/Department of Sports & Youth Affairs (Haryana).

6. Sports Gradation Certificate :

A sports person is eligible for the following Sports Gradation Certificate Type as per following Table, subject to the condition in Rules 6.1, 6.2 and 6.3. The best sports achievement claimed will be considered for issuing the sports gradation certificate.

Sports Gradation Certificate Type	Eligibility
Grade A	Participation in a tournament of Category 2 or above; or Medal winner in a tournament of Category 7 or above (restricted to Sports discipline played in Olympic/ Paralympics).
Grade B	Participation in a tournament of Category 7 or above; or Medal winner in a tournament of Category 9 or above
Grade C	Participation in a tournament of Category 9 or above; or Medal winner in a tournament of Category 11 or above; or Medal winner in a tournament of Category 9 (other sports discipline).
Grade D	Participation in a tournament of Category 11 or above; or Medal winner in any listed Category

Rule 6.1 In case of team game, the sports person should have been an active player, that is, he should have played is not less than 25% of the games played by the team in the tournament. A player kept as reserve shall not be considered as active player in that game. The sports person must show proof of having played at least one game (i.e. Not kept as reserve) in that tournament.

6.2 The tournament unless specifically indicated connotes senior level tournaments. The corresponding junior level tournament would be placed one category lower.
Illustration : The ISSF World Cup (Shooting) is at Category No.5, hence the ISSF Junior World Cup is to be ranked one category lower at Category No.6.

Rule 6.3 A sub junior tournament is ineligible (except National School Games and Khelo India Category No.12)

7. Entitlement to any benefit under Sports quota :

An applicant is not entitled to any benefit, including appointment, under the Sports quota, unless supported by sports gradation certificate of appropriate Grade in the format at Schedule-I.”

A perusal of these instructions shows that Grade A certificate makes a person eligible for all posts in Sports Quota Category. In case of international achievements of a person, only those certificates or medals are to be counted which are obtained by that person in the events for which his name was sponsored by the Government of India or by the Sports Authority of India. The authority competent to sign and issue the sports gradation certificate designated under the said rule is the Director Sports and District Sports and Youth Affairs, Haryana jointly. The category of tournament which makes a person eligible under these instructions are mentioned in Rule 5. A perusal of this table shows that the tournament in which the petitioner participated is covered under category mentioned at Serial No. 5. The Rule 6 mentions that the medal winners in the tournament upto category No. 7, are entitled to Grade A certificate. Rule 6.2 stipulates that the mentioned category indicates the 'senior level tournament'; and the junior level tournament in the said category would be placed one category lower. A specific example has been given

regarding the tournament in which the petitioner has participated, by way of illustration to the rule. It has been provided that the ISSF World Cup is at Serial No.5, therefore, the ISSF Junior World Cup shall be counted in Category No.6. Hence, the ISSF Junior Cup-2014 held at Suhl (Germany) is to be ranked one category lower; at category No.6. Accordingly, the medal obtained by the petitioner qualifies him to get the A Grade certificate from the Department of Sports, Haryana under the prevalent instructions. Interestingly, these instructions were issued at the time when the above said Dr. Ashok Khemka was the Principal Secretary to Government of Haryana, Sports and Youth Affairs Department. It is under his signatures, as such, that the gazette notification has been issued in this regard. Hence, he cannot even claim that the ISSF Junior Cup, in which the petitioner won a medal did not qualify the petitioner to 'A Grade' or that he had no knowledge about it. Therefore, there cannot be anything wrong or defective in the gradation certificate issued in favour of the petitioner on the basis of his medal, statedly, won in ISSF Junior World Cup-2014 held at Suhl (Germany). Although there is a reference to subsequent amendment in instructions issued in November 2018, and Dr. Ashok Khemka insisted upon withdrawing the certificate from the petitioner on the basis of these amended instructions, however, those instructions are altogether irrelevant because before the said amendment the certificate already stood issued as per the record and the prevalent instructions; and even the last date for claiming and submission of the certificate/details in this regard to Haryana Public Service Commission was August 2018 when the advertisement was issued. The certificate was issued as per the applicable instructions. Therefore, it was immaterial whether it was the father of the petitioner who was

to sign the document as the Director Sports or the some other person was to sign the same as the Director Sports, jointly along with the District Sports Officer. Hence, the objection of the State that since the certificate is signed by the father of the petitioner and therefore; it would not be valid, is totally misconceived.

Otherwise also, the grant of certificate is prescribed under the gazette notification, which designates these provisions as the rules and these rules make the Director Sports and the District Sports Officer as the designated authorities for putting the signatures on the said certificate. In any case, it is the Director Sports, being a *persona designata* under the provisions who has to sign the certificate to be issued to a candidate. There is no fault on the part of the petitioner if his father happened to be the Director Sports on the said date. Otherwise also, there was nothing wrong with the posting of the father of the petitioner as Director Sports because he is an IAS Officer and the Director Sports, Haryana is a cadre post meant for IAS Cadre. Under his capacity as *persona designata*, the father of the petitioner was duty bound to put his signatures on the certificate being issued, irrespective of the fact whether the certificate was being issued to his son or anybody else. Although the complainant Dr. Ashok Khemka raised an objection that the father of the petitioner should have informed the higher authorities in this regard, however, that is neither the requirement under the rules regarding issuance of the gradation certificate; nor has any other equivalent statutory provision been brought to the notice of this Court. Hence, the A Grade certificate of the petitioner cannot be doubted even on this score.

As mentioned above, at the fag end of the pleadings and the

arguments, the State has taken recourse to the fact that 3 coaches have written word 'u/p' along with their signatures on the application moved by the petitioner for issuance of 'A Grade' certificate; to contend that the issuance of the certificate to the petitioner was under pressure of the father of the petitioner. However, it is not rational that the father of the petitioner, who was in capacity to get the certificate issued against the rules as per the assertions of the respondents, would choose such persons to assist him who would sign the application of his son 'under protest'. The instructions regarding issuance of the A Grade certificate do not show any requirement of any specified number of coaches to verify the sports achievements of a person before issuance of the 'A Grade' certificate. Therefore, the father of the petitioner would have very easily removed those persons from the said committee or he would have altogether done away with the said committee by utilising his pressure, if he was to misuse his authority. Moreover, none of the coaches, who are alleged to have signed under protest, have pointed out as to what defect they found with the achievements/certificate of the petitioner to make them to protest. Hence, even if they have written under protest with their signatures, that can also be not read as detrimental to the petitioner, even if his father is to be hanged for that. Otherwise, a careful perusal of these words 'u/p', allegedly put with signatures, with a very moderate magnification, makes it appear that these words 'u/p' have been written in one hand writing with one pen. The construction of the right limb of the letter 'u' at its bottom and the construction of letter 'p' even seen with naked eye; leave reasonable impression of these words having written subsequently by some person other than those coaches. However, it is not for this Court to record any finding in that regard and this

may be one of the aspect to be enquired into by the Vigilance Department, if at all that vigilance enquiry continues. Another interesting aspect of association of these coaches is that they are having nothing to do with the sport of Shooting as such. They are, statedly, the coaches of other sports like; cricket, table tennis and wrestling etc. Hence, it is anybody's guess what would have been their assessment qua the international achievements of the petitioner in the field of Shooting.

The next question is qua the validity of the sport certificate and the medal claimed by the petitioner on the basis of his participation in ISSF Junior Cup-2014 held at Suhl (Germany). Any rational enquiry into the validity of such certificate would encompass the questions, particularly as under :-

- A. Whether there exist; any such tournament; as claimed by the petitioner?
- B. Whether their exists any sports body which is claimed to have conducted the said tournament?
- C. Whether the petitioner is a person who can be reasonably presumed to be a sports person of the standing which may make him eligible to participate in the said tournament?
- D. Whether the international body conducting the said tournament ever invited anybody from India to participate in the said tournament?
- E. Whether any sports body in India sponsored any candidate to participate in the said tournament?
- F. Whether the petitioner was ever sponsored by any sports body in India to participate in the said tournament?

- G. Whether that sponsorship was routed through the government agencies and was ever approved by Government of India or its sports authority?
- H. Whether the petitioner had actually visited the place of tournament at the relevant time?
- I. Whether the petitioner actually participated in the said tournament?
- J. If the petitioner so participated, what was the place, position or score of the petitioner or his team in the tournament and whether there is any such record to show such place, position and score of the petitioner or his team?
- K. Whether the petitioner has actually been granted the certificate by the said international body as a recognition of the participation and winning position of the petitioner?
- L. Whether the participation and winning position of the petitioner in the said tournament has been verified by the concerned competent sports authorities?

As observed above; and as is evident from the record on file, answer to all the above mentioned questions are in affirmative and in 'Yes'. It is not in doubt; and is also so clear from the documents placed on record by the petitioner that the petitioner has been participating in the event of Shooting for the past several years. Various certificates showing the achievements of the petitioner have been placed on record. Such certificates include the international sports certificates as well, besides the university and national sports certificates. Therefore, undoubtedly the petitioner can claim that he is a

sport person in the discipline of Shooting; having international achievements. The factum of holding of the tournament and invitation to the sports authorities in India, as well as, result of the said tournament has been duly sent by the International Shooting Sport Federation and National Rifle Association of India; along with the complete result showing the position of the petitioner, as well as, confirming the winning of medal by the team of which the petitioner was a member. On specific verification sought by the respondent department, the said facts have been verified to be correct; and participation and winning of silver medal in the team event by the petitioner stands duly confirmed by all the concerned authorities and bodies. Although an effort has been made to convass that the verification on behalf of the National Rifle Association of India has been manipulated by the father of the petitioner because he is a member of the National Rifle Association of India, however, this turns out to be only an unsuccessful attempt to deny the petitioner his rightful due. Even the petitioner has placed on record the documents showing that his father became member of general body of National Rifle Association of India from the Uttranchal region only in the year 2017. Hence, first of all, it is not uncommon for an IAS or IPS officer to be members or office bearers of the sports federation. The father of the petitioner is not an exception to that. Again; it is for the government to take a call whether these officers should be permitted to participate in the activities in the sports federation or not, however, this is hardly any ground to deny the achievements of the petitioner. Secondly, when the petitioner participated in the tournament in question and won the medal; his father was not even member of National Rifle Association of India. In the verification, the National Rifle Association of India has only sent the record of the said

tournament; which had happened much earlier than the father of the petitioner became member of National Rifle Association of India. Moreover, the event happened to be an international event organised in another country, upon which the father of the petitioner, by any means, cannot be presumed to have had any kind of influence. Moreover, it is not only the National Rifle Association of India which has verified the achievements of the petitioner, rather it is the International Shooting Sport Federation also which has verified the claim of the petitioner. The last nail to fix the objection of the respondents has come from none other than the Sports Authority of India, which is Government of India authority established for this purpose; and also which is the prescribed authority under the instructions of the State Government. The verification sent by the Sports Authority of India is reproduced as under :-

“This has reference to your letter No. Sports C&T/2020/23677-78 dated 5.8.2020 addressed to DG, SAI with a copy to this office.

The reply pertaining to Shri Vishwajeet Singh (Shooter) is sent herewith :

a. The invitations for participation in any international competition are received by the National Sports Federation (NSF) and NSFs submit these invitations to MOYS/SAI with other relevant details for clearance of team for participation.

b. The copy of SAI sanction No. 16(2)/SAI/TD/SHOOTING/INT.COMP/3/2014-15 dated 20.5.2014, for participation in ISSF Junior Cup Rifle/Pistol/Shotgun at Suhl, Germany from 25.5.2014 to 1.6.2014, is attached herewith. The name of Shri Vishwajeet Singh is mentioned at Serial No. 14.

c. A copy of ISSF calendar for the year 2014 is attached herewith. We also attach herewith copy of invitation which includes schedule of events during the competition.”

This authoritative letter verifying the achievements of the petitioner from an authority which is entrusted by the Government of India with the job of permissions for international sports participation and for certification of achievements of such participation in the participated events; leaves no doubt and any further scope for any enquiry or verification by the respondents qua the genuineness of the certificate produced by the petitioner. This letter has unequivocally confirmed the fact that the petitioner visited Germany at the given time, he participated in the event with permission of the government authorities and that he secured particular position in the event which was contained in the result of the said event. Thus, the calendar and the result of the said event have also been certified and sent to the respondents by none other than the Sports Authority of India as well. Certification is a state function. A private body may provide some certificate as mark of some achievement but that would not have any value for public or governmental purposes unless the same is certified/verified by an appropriate government authority. For the purpose of recognition of certificate earned in foreign lands it is only the Government of India or its authorized agency which can certify about such certificates and medals. Any State Government may not enact any law to grant benefit of such international certificates, however, it cannot deny to accept the certification of such international certificate by the Government of India. State Government is bound by such certification by Government of India. Accordingly, even the instructions of the State of Haryana; which are involved in this case, prescribe only the Government of India or the Sports Authority of India as the authority who could sponsor the player to participate in such events for which a person can claim 'A Grade' gradation certificate.

The Sports Authority of India has already certified the achievement of the petitioner in the concerned event. Hence, this Court finds substance in the argument of the counsel for the petitioner that repeated efforts of the respondent department to raise irrelevant and same questions and to repeatedly seek verification from the same authorities is nothing but an attempt to derail the process of appointment of the petitioner. Otherwise also, a bare perusal of the conduct of the respondents shows that after having received verifications from all the concerned authorities; now they have raised the same questions once again which already stood verified. The respondents have adopted a method in which these respondents are not likely to receive any response from anywhere. It is obvious that the International Shooting Sport Federation is not an authority working under the respondent department. They have already responded to the queries raised by the respondent department as well. Therefore, they may not feel obliged to repeatedly answer the respondent department. Moreover, the International Shooting Sport Federation may not even find it appropriate to directly deal with the respondent department in this regard; being a foreign body. That international body may not even respond to Indian Embassy in Germany, as is now being proposed by the respondents. Hence, the respondent department seems to have deliberately driven the process of verification to such a stage where the process can be kept in limbo for all times to come and where no response may be forthcoming. Otherwise also, the respondents cannot side track the verification already done by the agency of Government of India and to communicate directly and repeatedly to a foreign authority. Once the due verification has been received by the respondents from the certifying agency of the Union of India, the achievements

of the petitioner cannot be permitted to be put at peril just at the pleasure of the respondent department. The certifying agency of the Government of India has already sent the entire record regarding necessary permissions granted to the petitioner to participate in the event, as well as, his achievements in the event. Therefore, he is fully entitled to the benefits of such certification irrespective of the perception to the contrary harboured by any officer of the respondent department or any other private person like Dr. Ashok Khemka.

Although Dr. Ashok Khemka is not party to this petition and hence, this Court may not pass any order adverse to him as such, however, since entire edific has been built and is even pleaded to have been built upon the complaints made by Dr. Ashok Khemka, as per the pleadings of the respondent department, therefore, the discussion on his complaints have become imperative in this case. The concerted effort to deprive the petitioner of his rightful entitlement, rather, shows that he is being victimized on the basis of an ill informed perspective which complainant Dr. Ashok Khemka entertained regarding the sport of Shooting, the event in question and qua the process of awarding medals in the sport of Shooting. It is not the case of either Dr. Ashok Khemka or of the respondent department that Dr. Ashok Khemka holds any specialized academic qualification in the sport of Shooting. There is nothing on record suggesting that he had any specialized knowledge regarding the international tournaments; regarding sport of Shooting or regarding scoring and awarding of medals in the sports of Shooting. Even the questions raised by him in his complaint, reflected his utter ignorance about the sports activity and regarding award of medals in sport of Shooting. Although the international and national sports bodies concerned have duly clarified that it was a team

event; based on the individual scores of participating individual players aggregating to the team score, and therefore, earning the medal for the team. However, the complainant has remained adamant in his ignorance by persisting with the assertion that once the petitioner secured 16th position in his individual capacity then how he could have been awarded the silver medal. For raising such a suspicion, he has not referred to any rules relating to sport of Shooting or any regulations pertaining to the particular championship even in which the petitioner participated. In absence of any supporting rules or regulations regarding the sport in question, this assertion of the complainant cannot but be an expression in frustration against the petitioner; for the reasons other than the sporting activity. This gives credence to the argument of the counsel for the petitioner that the complainant has raised all these complaints because of the cadre rivalry between the complainant and the father of the petitioner, who also happen to be an IAS Officer but junior to the complainant. There is another interesting aspect to the complaint made by Dr. Ashok Khemka. On the one hand, on the basis of the complaint made by Dr. Ashok Khemka, the respondent department is doubting the very participation of the petitioner in the said event, on the other hand, Dr. Ashok Khemka himself is mentioning the result of the said tournament claiming that it is available on the website of the German National Shooting Federation and that the petitioner was placed at 16th position in his individual capacity and the result also shows award of silver medal to the petitioner in team event. The petitioner is also claiming the same result that he stood 16th position in individual capacity and he obtained silver medal in the team event. Therefore, if the department was to proceed on the complaint of Dr. Ashok Khemka then there was hardly anything

to be verified regarding the participation of the petitioner in the event and the result pertaining to that event. This also shows that entire exercise being conducted by the respondents is an exercise in futility and superfluous effort intended to deprive of the petitioner of the benefit of his hard earned sports achievements. The record also shows that the authorities of the Sports Department, including the Director Sports and the Principal Secretary of Department of Sports, Haryana; had come to conclusion that there was nothing wrong in grant of 'A Grade' certificate to the petitioner and in granting him the cash award, but then Dr. Ashok Khemka hurled allegations even against the then Director Sports, the Principal Secretary, Department of Sports and also against the office of the Chief Minister, Haryana. He went to demand of personal hearing from the Chief Minister as well, qua all these complaints against all and sundry, and craved for registration of criminal case against all of them. This was the height of the unfounded self-righteousness. This totally takes away the pretense of acting in public interest and shows that Dr. Ashok Khemka might have used all these tactics to bring the officers under pressure and to bring the junior officials of the department under fear psychosis, which forced them to continue the tirade against the petitioner in one form or the other.

When the respondents did not find anything substantial to argue against the petitioner, then as a last resort, it has been submitted by the counsel for the State that the instructions regarding the grant of gradation certificate prescribes that in case of team event the person should have participated in at least '25% or more' of the matches played by the team and should have played at least one match. Certificate of the petitioner has left the column regarding '25% or more' blank. Hence, the application moved by the petitioner for

obtaining the gradation certificate, and the certificate issued to the petitioner as such, do not show his participation in 25% of team events. Hence, the certificate cannot be taken as valid. However, this argument is also totally fallacious. The petitioner has placed on record the 'A Grade' certificate issued by the respondent department to two other persons for participating in the same sport of Shooting and in same ISSF Junior World Cup held at Suhl (Germany) under the authority of International Shooting Sport Federation. These gradation certificates have been issued by the respondents for the tournaments conducted after the tournament in which the petitioner had participated. These gradation certificates have been issued subsequent to the certificates issued to the petitioner. Both these certificates also have the column regarding '25% or more' blank and not mentioning anything qua participation in any number of matches. Therefore, the certificate of the petitioner is not the only certificate where the column regarding '25% or more' is left blank. Rather it appears to be a standard proforma and practice to issue gradation certificate in Shooting with the column pertaining to '25% or more' left as blank. Incidentally, these subsequent certificates have not been issued during the tenure of the father of the petitioner as Director Sports. These have been issued much later after the father of the petitioner had left the office of the Director Sports. Otherwise also, even this assertion on the part of the respondents and the complainant is nothing but ignorance qua the sports activity in various sports. This column of '25% or more' has been prescribed only for those sports where a particular number of players play the match as a team at the same time and some of the players are kept in reserve. There are such sports like hockey, football, and some similar sports where the entire squad of players in a team participating in

the international event may not be actually participating. Hence, for those sports the person can be asked to furnish detail regarding his actual participation in '25% or more' matches played by his team. However, in the sport of Shooting, there would not be the reserve players. The players are nominated to the tournament as a team; with specified number of players; each playing individually but scoring for the team. Hence, there is no question of playing 25% of the matches. All players have to play 100% matches. Hence, this column loses significance in case of sport of Shooting. Moreover, this process of participation and scoring has been placed on record by the respondents themselves, as well as, by the petitioner in the form of the record regarding the tournament. The application moved by the petitioner for obtaining the gradation certificate itself shows the members of the team, which comprised of 3 members; including the petitioner. The medal, certificate of the petitioner itself shows the team to be a 3 member team, including the petitioner. The result of the tournament shows that all the 3 players played the matches and got the individual scores, which were aggregated to make it a team score. Hence, this argument of the counsel for the respondents is also liable to be noted only to be rejected.

Although the counsel for the State has submitted that now Vigilance Department has already started enquiry against the father of the petitioner for alleged misuse of his official position in the process of grant of gradation certificate to the petitioner, however, this Court finds that even the pendency of any such enquiry is totally irrelevant for the purpose of eligibility of the petitioner to get a 'A Grade' certificate from the respondents. There is a specified criteria for grant of 'A Grade' certificate. The petitioner fulfills that

criteria. The ingredients for fulfilling that criteria are verified by the Government of India. Therefore, any allegation of deviation from an ordinary procedure during the process of grant of such certificate to the petitioner is totally immaterial. The petitioner, as such, is concerned only with the provisions regarding the eligibility for the grant of 'A Grade' certificate and fulfillment of that criteria by him. Beyond that; the certificate of the petitioner cannot be held to be illegal because of any procedural lapse on the part of the father of the petitioner, even if such a lapse is provided at all. As mentioned above, as a basis for vigilance enquiry the respondent department is relying upon alleged writing of the word 'u/p' by 3 coaches during the assessment of the application form of the petitioner for grading him, however, the said grading already stands confirmed by a subsequent committee constituted at the Head Office level at a time when the father of the petitioner was no more concerned with the said department. The subsequent committee cannot be taken to be under pressure of the father of the petitioner. Therefore, the assessment of the petitioner for grading him qua the 'A Grade' certificate stands completed even by a committee of officers independent of influence of father of the petitioner. Moreover, as observed above, it is not clear whether those coaches themselves have written those words 'u/p' at the time of putting their signatures or the said words have been put up by somebody else subsequently; just to frame and fix the petitioner and his father. Therefore, merely on the basis of institution of said vigilance enquiry, while the petitioner cannot be deprived of the benefit of his grading, even his father would be entitled to contest the assertions of the department qua existence of the words 'u/p' on that application, may be, even by getting the hand writing compared at the relevant

time, if the need be. However, this Court is refraining from recording anything qua father of the petitioner, who, obviously, would be free to take his fight against the complainant or the respondent department to any level; but in accordance with law. It is a concern between the father of the petitioner and the complainant and the respondent authorities, which cannot be permitted to prejudice the petitioner; by any means.

In view of the above, the present petition is allowed. The respondents are directed to issue appointment letter to the petitioner within a period of 4 weeks from today; as per his merit and as per recommendations made by Haryana Public Service Commission.

It is also ordered that since the appointment of the petitioner has been delayed for the reasons not attributable to the petitioner, therefore, such an appointment letter shall be issued granting him the deemed date of appointment from the date the persons selected in the same batch were appointed and granting him the seniority according to his merit in the select list. Still further, since the petitioner has not actually worked on the post, therefore, although he shall not be entitled to any arrears of salary of this delayed period, he shall be granted benefit of notional fixation at par with the persons who were selected in the same batch.

**(RAJBIR SEHRAWAT)
JUDGE**

29.1.2021

Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No