

State of Punjab

Vs

Bhagwant Singh and Others

C. A. No. 3670 of 1984.

(V. B. Eradi, P. N. Bhagwati JJ)

22.02.1985

JUDGMENT

BHAGWATI, J. -

1. This appeal by special leave is directed against a Judgment of a Division Bench of the High Court of Punjab and Haryana holding that the State of Punjab was wrong in denying admission to the respondent 1 Bhagwant Singh in the sports quota for the first year MBBS course for the academic year 1982-83. The respondent 1 had claimed admission to the first year MBBS course on the strength of a certificate dated August 3, 1982 issued by the Joint Director of Sports, Punjab certifying that the respondent 1, who was a member of junior hockey team, had been declared as C-II Grade Sportsman in Hockey Group-I. This certificate was issued on the basis of a certificate given by the Punjab Agricultural University, Ludhiana that the respondent 1 was a member of the Punjab Agricultural University Hockey Team and that he had participated in All-India Inter-Varsity Hockey Tournament held at Meerut in 1981-82. The respondent 1 appeared in the entrance examination held by the State of Punjab and was qualified for being interviewed. But at the time when he appeared for the interview, he was informed that a telegram had been received from the Director of Sports, Punjab asking the Principal of the Medical College not to entertain the Sports Gradation Certificate C-II of the respondent 1 until further instructions. The result was that the respondent 1 was not interviewed and he was ultimately refused admission.

2. The respondent 1 thereupon filed a writ petition in the High Court of Punjab and Haryana contending that the refusal of admission to him was unjustified because he did qualify for Sports Gradation Certificate C-II. The argument of the respondent 1 was that he was a member of the Punjab Agricultural University Hockey Team which participated in the All-India Inter-Varsity Hockey Tournament held at Meerut and therefore clearly fell within Grade C-II for which reservation of seats was made by the Government of Punjab by its letter dated May 20, 1982. The State of Punjab did not dispute that the respondent 1 was a member of the Punjab Agricultural University Hockey Team but contended that was not sufficient to qualify the respondent 1 for the Sports Certificate Grade C-II, since the team of which he was a member had taken part in the zonal tournament and was ultimately eliminated in the zonal round, with the result that it did not reach the stage of finals in the All-India Inter-Varsity Hockey Tournament. The Contention of the State of Punjab seemed to be that only if the respondent 1 was a member of the team which participated in the finals of the All-India Inter-Varsity Hockey Tournament that he could claim to qualify for Sports Gradation Certificate C-II. The learned Single Judge who heard the writ petition accepted this contention of the State of Punjab and rejected the writ petition of the respondent 1. The respondent 1 thereupon preferred a Letters Patent Appeal before a Division Bench of the High Court. The Division Bench disagreed with the view taken by the learned Single Judge and agreeing with the

contention of the respondent 1, held that the respondent 1 was rightly given Sports Gradation Certificate C-II and the denial of admission to him was illegal. The Division Bench issued a writ of mandamus directing that the respondent 1 be admitted to the first year MBBS course in any of the Medical Colleges of the State of Punjab in the academic session beginning in July 1984. The academic session to which the respondent 1 was directed to be admitted was the academic session beginning in July 1984 because the Judgment of the Division Bench was given in March 1984 and the next academic session was to commence in July 1984. The State of Punjab thereupon preferred the present appeal with special leave obtained from this Court.

3. We are of the view that the Division Bench was clearly right in holding that the respondent 1 was qualified to obtain Sports Gradation Certificate C-II and the refusal of admission to him was therefore wrongful. What Grade C-II requires is that the candidate should have represented University Team in the Inter-Varsity Championship for seniors and Instruction 12 provides that no gradation shall be done on the basis of zonal championships/competitions. If the Punjab Agricultural University Hockey Team of which the respondent 1 was a member had participated merely in a zonal championship or competition, then there can be no doubt that the requirement of Grade C-II would not have been fulfilled and he would not have been eligible for Gradation C-II Certificate. But it is clear on the admitted facts that the Punjab Agricultural University Hockey Team participated, not in any zonal championship or competition but in the All-India Inter-Varsity Hockey Championship. The All-India Inter-Varsity Hockey Championship was held by the Association of Indian Universities and since there would be quite a number of teams participating in the championship, the arrangement was that there should be first knock out matches at the zonal level and the teams which came first and second at the zonal level would meet at the stage of finals. This was the manner in which the All-India Inter-Varsity Hockey Championship was conducted and if that be so, there can be no doubt that the Punjab Agricultural University Team of which the respondent 1 was a member participated in the All-India Inter-Varsity Hockey Championship even though that team got eliminated at the zonal level. The All-India Inter-Varsity Hockey Championship commenced with the holding of the matches at the zonal level and ultimately culminated in the finals and every team which participated even at the zonal level in fact participated in the All-India Inter-Varsity Hockey Championship. The respondent 1 was therefore justified in applying for C-II Gradation Certificate and the Director of Sports, Punjab was right in issuing C-II Gradation Certificate to the respondent 1 on the basis that he was a member of the Punjab Agricultural University Hockey Team which participated in the All-India Inter-Varsity Hockey Championship held at Meerut in 1981-82. We accordingly affirm the view taken by the Division Bench of the High Court.

4. The appeal preferred by the State of Punjab will, therefore, stand dismissed. But since the academic session for which the respondent 1 was directed to be admitted under the Judgment of the Division Bench of the High Court has already commenced from November 1984, we would direct that the respondent 1 shall be admitted to the first year MBBS course in any of the Medical Colleges of the State of Punjab and preferably in the Medical Colleges at Patiala in the academic session commencing from July/August 1985. There will be no order as to costs.

</html