

State Of Punjab vs Bhagwant Singh And Ors. on 22 February, 1985

Equivalent citations: AIR 1985 SC 981, 1985(1) SCALE 998, 1985 SUPP(1) SCC 102, 1985(17) UJ 685(SC), AIR 1985 SUPREME COURT 981, 1985 SCC (SUPP) 102 1985 UJ(SC) 685, 1985 UJ(SC) 685

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Bench: P.N. Bhagwati, V. Balakrishnan Eradi

JUDGMENT

P.N. 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 1st respondent Bhagwant Singh in the sports quota for the 1st year M.B.B.S. course for the academic year 1982-83. The 1st respondent had claimed admission to the 1st year M.B.B.S. course on the strength of a certificate dated 3.8.82 issued by the Joint Director of Sports, Punjab certifying that the 1st respondent, who was a member of junior Hockey Team, had been declared as C-1I 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 1st respondent 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 1st respondent 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-1I of the 1st respondent until further instructions. The result was that the 1st respondent was not interviewed and he was ultimately refused admission.

2. The 1st respondent 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 1st respondent 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 20th May, 1982. The State of Punjab did not dispute that the 1st respondent was a member of the Punjab Agricultural University Hockey Team but contended that that was not sufficient to qualify the 1st respondent 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 1st respondent 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 1st respondent. The 1st respondent 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 1st respondent, held that the 1st respondent 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 1st respondent be admitted to the 1st year M.B.B.S. 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 1st respondent 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 1st respondent 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 1st respondent 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 a quite 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 1st respondent 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 1st respondent 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 1st respondent 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 1st respondent 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 1st respondent shall be admitted to the 1st Year M.B.B.S. Course in any of the Medical Colleges of the State of Punjab and preferably in the Medical College at Patiala in the academic session commencing from July/August 1985. There will be no order as to costs.