



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Spl. Appl. Writ No. 111/2025

in

S.B. Civil Writ Petition No.1954/2022

Garvit Vyas S/o Sh. Shashank Vyas, Aged About 24 Years, R/o
Chabili Ghati, Bikaner District Bikaner, Rajasthan.

----Appellant

Versus

1. State Of Rajasthan, Through The Secretary, Home
Department, Govt. Of Rajasthan, Jaipur.
2. The Director General Of Police, Rajasthan, Jaipur.
3. Mukesh Choudhary S/o Rameshwar Lal Choudhary, R/o
C/o Office Of Director General Of Police, Rajasthan,
Jaipur.

----Respondents

For Appellant(s) : Mr. Kamal Kishore Dave.
For Respondent(s) : Mr. B.L. Bhati, AAG.
Mr. Manoj Bhandari, Sr. Advocate with
Mr. Nes Gupta.

**HON'BLE MR. JUSTICE KULDEEP MATHUR
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU**

J U D G M E N T

01/08/2025

BY THE COURT : (PER HON'BLE SANDHU, J.)

1. The present Special Appeal (Writ) has been directed against
the order dated 10.10.2024 passed by the learned Single Judge,
whereby the writ petition filed by the appellant-petitioner was
dismissed.

2. Brief facts giving rise to the present appeal are that the
Director General of Police, Rajasthan, Jaipur issued an
advertisement dated 28.12.2019 under Rule 17(2)(a) of the



Rajasthan Police Subordinate Service Rules, 1989 (hereinafter referred to as 'the Rules of 1989) for direct recruitment to the post of Sub-Inspector/Platoon Commander under the sports quota. Under Rule 17(2)(a) of the Rules of 1989, there is a provision for filling up the posts upto 10% of the total vacancies by giving preference to the Sportspersons. Total 68 posts were advertised out of which, one post for the sport Body Building was advertised. The appellant-petitioner, being eligible, applied for one post for the sport Body Building under the EWS category. The respondent No.3- Mukesh Choudhary also applied for the same, however, in the provisional assessment of the application forms, his form was rejected with the remark "invalid certificate". However, during the course of provisional assessment of application forms, the respondents issued an amended advertisement dated 29.06.2021 in furtherance of the earlier advertisement dated 28.12.2019, in view of the notification dated 16.07.2021 and increase in posts. The total posts were increased to 81 and the fresh online application forms for all the posts were invited, including the 13 additional posts and, fresh dates were mentioned for submission of the application forms. The online application forms were invited from 30.06.2021 to 14.07.2021. The respondent No.3, in pursuance to the amended advertisement, submitted a fresh application along with a fresh sport certificate and his candidature was considered. Since, he was given the higher marks for his sport certificate, he stood higher in merit than the appellant-petitioner and he was selected for the post of Sub-Inspector/Platoon Commander. Since the respondent No.3 was selected, the appellant-petitioner could not



find place in the select list and therefore, being aggrieved against the selection of the respondent No.3, he preferred the above-numbered writ petition before the learned Single Bench, laying challenge to the select list dated 25.01.2022, praying that the same may be corrected and he may be given appointment on the post of Sub-Inspector/Platoon Commander with all consequential benefits.

3. Learned Single Judge, after hearing the arguments advanced by the learned counsel for the parties and, considering the material available on record, dismissed the writ petition vide order dated 10.10.2024 while holding that there is no illegality in the selection of the respondent No.3 and his candidature was rightly considered in light of the conditions of the advertisement.

4. Shri Kamal Kishore Dave, learned counsel representing the appellant-petitioner, while laying down challenge to the order passed by the learned Single Judge, has stated that earlier the application of the respondent No.3 submitted in pursuance to the advertisement dated 28.12.2019 stood rejected and therefore, the subsequent application which was filed in pursuance to the amended advertisement dated 29.06.2021 could not have been entertained and hence, the selection of the respondent No.3 based upon the second application, is illegal and unjustified being in clear contravention to the condition No.2 of the amended advertisement dated 29.06.2021.

5. Shri Dave further argued that the earlier application of the respondent No.3 was rejected on the ground that his sport certificate was not as per the norms and hence, now the certificate filed along with the second application could not have been



considered. It is further argued by the learned counsel that the certificate filed by the respondent No.3 has been issued by the Indian Body Builders Federation (hereinafter referred to as 'the IBBF') and the same being not a body recognized by the Indian Olympic Association (IOA) and not enumerated under condition No.9 of the advertisement dated 28.12.2019, could not have been taken into consideration. Learned counsel for the appellant-petitioner has further argued that since the sports certificate of the respondent No.3 itself could not have been considered, therefore, the grant of weightage of marks upon the same is not justified and his selection deserves to be cancelled. On the other hand, the appellant-petitioner has the certificate issued by the Maharaja Ganga Singh University, Bikaner which is a member of the Association of Indian Universities (AIU) and hence, was a valid certificate for which 25 marks have been awarded and therefore, his candidature deserved to be considered and selected for the advertised post. Learned counsel thus prayed that the selection of the respondent No.3 may kindly be cancelled and the appointment be offered to the appellant-petitioner on the post of Sub-Inspector/Platoon Commander with all consequential benefits.

6. *Per contra*, Mr. Manoj Bhandari, Sr. Adv. assisted by Mr. Nes Gupta, learned counsel appearing on behalf of the respondent No.3 – Mukesh Choudhary vehemently opposed the submissions advanced by the counsel for the appellant-petitioner. He urged that the Director General of Police, Rajasthan, Jaipur had first issued the advertisement on 28.12.2019 wherein, a total of 68 vacant posts for Sub-Inspector/ Platoon Commander were advertised and in pursuance thereto, the respondent No.3 –



Mukesh Choudhary filled an application along with the sport certificates as he had at that relevant time, however, the same was not found to be as per the norms and therefore, his candidature was not considered. However, during the course of provisional assessment of the applications, an amended advertisement was issued on 29.06.2021, wherein the total number of vacant posts were increased from 68 to 81 and the entire vacancy was re-advertised and the applications were re-invited. The online applications were called between 30.06.2021 to 14.07.2021. A condition No.2 was inserted only for the sake of convenience for the already existing applicants so that they are not hassled to again fill the application forms. It is argued that the condition No.2 does not put a bar on filling of the fresh applications and since, the respondent No.3 had acquired the fresh sports certificate, he applied by way of submitting a fresh application along with the new certificate which was pertaining to the Body Building National Championship held on 3rd to 4th April, 2021. Therefore, it is stated that the respondent No.3 was right in submitting the second application form in light of the amended advertisement dated 29.06.2021. Learned Senior Counsel Shri Bhandari further submitted that the IBBF is a duly recognised federation by the Ministry of Youth Affairs and Sports, Government Of India and hence, the certificate issued by such a recognised federation/association/body deserves to be considered for grant of weightage of marks. The selection committee, only upon verifying the same, has considered the sport certificate of the respondent No.3 to be valid and only thereafter, has selected





him, and there is no illegality in considering the candidature of the respondent No.3.

7. Shri B.L. Bhati, learned AAG appearing on behalf of the respondent-State has argued that the selection undertaken by the authorities is in accordance with Rule 17(2)(a) of the Rules of 1989 and as per the same, the preference has been given to the Outstanding Sports person in various sports. He further submits that the information was sought from the Indian Olympic Association as well as the Ministry of Youth Affairs and Sports, Government Of India regarding the recognised National Sports Federations and Associations and only upon receiving the list of the same from the Government of India, the sport certificate issued to the respondent No.3 by the IBBF was considered and the marks were accorded for the same. The learned AAG further submits that the selection process has been conducted in just and fair manner and there is no illegality in the same.

8. We have heard the submissions advanced at Bar by the learned counsel for the respective parties and perused the material available on record so also the impugned order dated 10.10.2024 passed by the learned Single Judge.

9. The main arguments raised by learned counsel for the appellant-petitioner in the writ petition as well as in the special appeal laying challenge to the impugned order dated 10.10.2024 passed by the learned Single Judge, are that firstly, the second application of the respondent No.3 could not have been considered in light of the condition No.2 of the amended advertisement dated 29.06.2021 and secondly, the certificate submitted along with the second application issued by the IBBF (Annexure-R/03/05), was



not issued by a recognized association as enumerated in condition No.9 of the advertisement dated 28.12.2019 and hence, the same could not have been considered.

10. We will firstly examine the argument raised by the counsel for the appellant-petitioner regarding the acceptance of the second application form submitted by the respondent No.3. The first advertisement was issued on 28.12.2019 by the Director General of Police, Rajasthan, Jaipur, wherein 68 vacant posts were advertised and the applications were called for the same. During the provisional assessment of the application forms, the amended advertisement was issued on 29.06.2021, whereby the posts were increased to 81 and the applications were re-invited for these posts. The first paragraph of the amended advertisement dated 29.06.2021 reads as under:-

"इस कार्यालय के विज्ञप्ति क्रमांक न-5(7)पु.फो./उ.नि./2019/6279 दिनांक 28.12.2019 के द्वारा उप निरीक्षक/प्लाटून कमाण्डर (खेल कोटा) सीधी भर्ती 2019 हेतु कुल 68 पद विज्ञप्ति किए गए थे। आगामी वर्ष में 13 अतिरिक्त पद उपलब्ध होने एवं कार्मिक (क-2) की विभाग की अधिसूचना दिनांक 16.04.2021 द्वारा आर्थिक रूप से कमजोर वर्ग के अभ्यर्थियों को आयु सीमा में छूट प्रदान किए जाने के फलस्वरूप कुल 81 पदों (नॉन टीएसपी-72, टीएसपी-9) हेतु पुनः ऑनलाईन आवेदन पत्र आमंत्रित किए जाते हैं।"

11. From a bare perusal of the first paragraph of the amended advertisement dated 29.06.2021, it is clear that the earlier advertisement has been amended, posts have been increased and the applications have been re-invited for all the posts. The earlier advertisement dated 28.12.2019 has for all purposes merged with the amended advertisement dated 29.06.2021. New dates of submission of application forms were also given and the last date was fixed as 14.07.2021. Only for the purpose of convenience to





the already existing applicants, the condition No.2 was inserted so as to avoid unnecessary submission of the application forms. The condition No.2 did not put a complete bar on submission of forms by the candidates and if any candidate, who was eligible as per the amended advertisement dated 29.06.2021, could fill the application form.

12. The respondent No.3 participated in the Body Building National Championship held by the Indian Body Builders Federation (IBBF) from 3rd to 4th April, 2021, and he secured "3rd Place" in the Senior Men's Body Building above 100 kgs. category. This certificate was a national level certificate which was certainly acquired after the advertisement dated 28.12.2019, but before the cut off date of submission of application form mentioned in the amended advertisement dated 29.06.2021 i.e. 14.07.2021 and hence, he being otherwise eligible under the conditions of the advertisement dated 29.06.2021, submitted the fresh application form.

13. Any person, who was eligible as per the cut off dates of the amended advertisement dated 29.06.2021, could have applied and so did the respondent No.3 and hence, there can be no illegality in accepting the second application form of the respondent No.3 by the respondent authorities even if his first application was rejected before the conclusion of the selection process on the ground of "certificate not as per norms". Now, since the respondent No.3 had acquired a new sport certificate and was within the cut off date specified in the amended advertisement



dated 29.06.2021, he was in his right to fill the fresh application and the same has been rightly considered.

14. Now, we consider the second argument raised by the counsel for the appellant-petitioner regarding the validity of the sport certificate that was submitted by the respondent No.3 issued by the IBBF. While examining this ground, we see that as per the condition No.9 of the advertisement dated 28.12.2019, the certificate issued by the authorities mentioned therein were to be considered and it is alleged by the appellant-petitioner that the Indian Body Builders Federation (IBBF) is not recognized by any of the authorities mentioned in the condition No.9 or the certificate has not been issued by any of the authorities mentioned in the condition No.9. In the advertisement dated 28.12.2019, as amended on 29.06.2021, one post for Body Building sport was reserved.

15. In the reply submitted by the State, specially the additional affidavit filed on 04.05.2022, it is clearly stated that the Selection Board sought information from the Indian Olympic Association (IOA) regarding all approved/sanctioned federations/associations/bodies and the approved tournaments (games) organized by the federations/associations/bodies. Vide letter dated 26.10.2021, the Indian Olympic Association (IOA) replied that none of the federation/association/body is recognized by the Indian Olympic Association for the Body Building sport. Thereafter, the Selection Board sought information from the Ministry of Youth Affairs and Sports, Government Of India regarding the recognized federation/association/body which



conducts tournaments of Body Building and as per the letter issued by the Ministry of Youth Affairs and Sports, Government Of India, the "Indian Body Builders Federation (IBBF)" is recognized for conducting body building tournament and that the Indian Body Builders Federation (IBBF) is also recognized by the All India Police Sports Control Board. From a bare perusal of the letters dated 26.10.2021, 01.02.2019 and 02.06.2020, it is clear that the Indian Body Builders Federation (IBBF) is recognized by the Ministry of Youth Affairs and Sports, Government of India and it finds place along with the other federations and association of the national level, which are also recognized by the Government of India. From a bare perusal of these letters, it can safely be concluded that the Indian Body Builders Federation (IBBF) is a national level federation duly recognized by the Ministry of Youth Affairs and Sports, Government of India and hence, the certificates issued by it are certainly recognizable and deserve to be considered for the purpose of recruitment and weightage of marks.

16. The whole concept of recruitment under Rule 17(2)(a) of the Rules of 1989, which is a proviso to the procedure for recruitment, is selection of sportsperson having proficiency in games and sports, by DG cum IG of Police. For the purpose of the same, the certificate acquired by the sportsperson at State, National and International levels are considered. The certificates are issued by the different associations/federations/bodies which are recognised at different levels. Such associations/federations/bodies should be recognised so that there is authenticity of the tournaments held by



such associations/federations/bodies and of the certificates issued by them. When such associations/federations/bodies are duly recognised, then the certificate issued by them deserves to be considered and appropriate marks are required to be accorded, so that the genuine sportsperson get recognition. Once the body is recognized by the Ministry of Youth Affairs and Sports, Government of India and its recognition is duly renewed, there is no reason not to recognize the certificate issued by such a body/federation. Hence, in the present case, once the IBBF is duly recognised by the Government of India itself, there is no reason to believe that it is not a recognised body or is not a competent body to issue the sport certificate.

17. Moreover, the Selection Board has exercised due caution and had sought the information from the Government of India and only upon receiving the authentic information, they have acted upon and have recognized the certificate issued by the Indian Body Builders Federation (IBBF), specially in light of the fact that there is no other body recognized at the national level or affiliated with the Indian Olympic Association, and if that is taken to be so, then there would be no national level body which is recognized and whose certificate could be held to be valid. In view of the same, the Selection Committee has not committed any error while considering the certificate of the respondent No.3 issued by the IBBF. There is no dispute about the marks that had been awarded for the sports certificate held by the respondent No.3 and the appellant-petitioner. The respondent No.3 was entitled for higher



marks as per Clause No.3 of Condition No.10(A) of the advertisement dated 28.12.2019 and he has rightly been awarded so and, as the respondent No.3 was higher in merit, he has rightly been selected and offered appointment and we find no illegality therein.

18. The learned Single Judge, while considering the merits of the case, has dealt with both the grounds extensively and we fully agree with the findings recorded by the learned Single Judge in the impugned order dated 10.10.2024 which does not call for any interference by this Court, in exercise of its appellate jurisdiction.

19. As an upshot of the discussion made herein above, we find no force in the instant Special Appeal and the same is thus dismissed.

(BALJINDER SINGH SANDHU),J

(KULDEEP MATHUR),J

60-Tikam/Mrityunjay Singh/-