

GAHC040009162023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/320/2023

Dana Taju and 35 Ors.
S/o Dana Tagar,
R/o Banderdewa, PO/PS Banderdewa, Papumpare District, Arunachal Pradesh. Ph.
8135883852 2: Apu Kamchi

Age:

Occupation :

S/o Shri Agam Kamchi

R/o R.W.D Colony Chimpu
PO/PS Itanagar
Papumpare District
Arunachal Pradesh.

3: Pramod Kamti

Age:

Occupation :

S/o Shri Uchit Kamti

R/o Seppa
PO/PS Seppa
East Kameng
Arunachal Pradesh.

4: Tagio Yaming

Age:

Occupation :

D/o Shri Tagio Tari

R/o Itanagar
PO/PS Itanagar
Papumpare District
Arunachal Pradesh.

5: Dongda Yana

Age:

Occupation :

D/o Shri Dongda Nikam

R/o Naharlagun

PO/PS Naharlagun

Papumpare District

Arunachal Pradesh.

6: Kakap Tajo

Age:

Occupation :

S/o Shri Koniang Tajo

R/o Naharlagun

PO/PS Naharlagun

Paumpare District

Arunachal Pradesh.

7: Ramesh Muri

Age:

Occupation :

S/o Shri Tatu Muri

R/o Yupia

PO/PS Naharlagun

Papumpare District

Arunachal Pradesh.

8: Rumik Baby

Age: Occupation : D/o Lt. Rumik Tari

R/o Chimpur II PO/PS Chimpur

Papumpare District Arunachal Pradesh.

9: Ha Rimi Age:

Occupation : D/o Shri Ha Taji

R/o Chimpur PO/PS Chimpur Papumpare District

Arunachal Pradesh.

10: Wangtam Wangsu Age:

Occupation : S/o Shri Wangnyai Wangsu

Permanent Resident of Senua PO Senua PS Longding

Longding District Arunachal Pradesh.

11: Jorom Tadam

Age: Occupation : S/o Shri Joram Khoda

R/o Itanagar PO/PS Itanagar
Papumpare District Arunachal Pradesh.

12: Gamjar Bui
Age: Occupation : S/o Shri Tagam Bui
R/o Nirjuli PO/PS Nirjuli
Papumpare District Arunachal Pradesh.

13: Jaong Lukham
Age:
Occupation :
S/o Shri Ponglai Lukham

R/o Longding
PO/PS Longding
Longding District
Arunachal Pradesh.

14: Yade Don
Age:
Occupation :
D/o Shri Talar Don

R/o Naharlagun
PO/PS Naharlagun
Papumpare District
Arunachal Pradesh.

15: Biri Tasso
Age:
Occupation :
S/o Shri Biri Laling

R/o Itanagar
PO/PS Itanagar
Papumpare District
Arunachal Pradesh.

16: Gora John
Age:
Occupation :
S/o Shri Gora Hali

R/o Itanagar
PO/PS Itanagar
Papumpare District
Arunachal Pradesh.

17: Yarde Mapchi

Age:

Occupation :

D/o Shri Yarde Kiokam

R/o Itanagar

PO/PS Itanagar

Papumpare District

Arunachal Pradesh.

18: Yorbu Raji Tamin

Age:

Occupation :

S/o Shri Taje Raji Tamin

R/o Naharlagun

PO/PS Naharlagun

Papumpare District

Arunachal Pradesh.

19: Bakhemlu Krong

Age:

Occupation :

S/o Lt. Sosey Krong

R/o Lohit

PO/PS Tezu

Lohit District

Arunachal Pradesh.

20: Niya Lamgu

Age:

Occupation :

D/o Shri Roshom Lamgu

R/o Naharlagun

PO/PS Naharlagun

Papumpare District

Arunachal Pradesh.

21: Yari Maying

Age:

Occupation :

D/o Shri Tanam Maying

R/o Itanagar

PO/PS Itanagar

Papumpare District

Arunachal Pradesh.

22: Taba Yapa

Age:

Occupation :

S/o Shri Taba Tado

R/o Darya Hill

PO/PS Itanagar

Papumpare District

Arunachal Pradesh.

23: Kato Ngadong

Age:

Occupation :

S/o Shri Panjalum Ngadong

R/o Itanagar

PO/PS Itanagar

Papumpare District

Arunachal Pradesh.

24: Aneksi Krong

Age:

Occupation :

D/o Shri Lt. Yatso Krong

R/o Tezu

PO/PS Tezu

Lohit District

Arunachal Pradesh.

25: Bulang John

Age:

Occupation :

S/o Shri Bulang Ungton

R/o Naharlagun

PO/PS Naharlagun

Papumpare District

Arunachal Pradesh.

26: Taje Nilling

Age:

Occupation :

S/o Shri Tagu Nilling

R/o Itanagar

PO/PS Itanagar
Papumpare District
Arunachal Pradesh.

27: Doi Taipodia

Age:

Occupation :

S/o Shri Mindo Taipodia

R/o Itanagar
PO/PS Itanagar
Papumpare District Arunachal Pradesh.

28: Dudu Bagang

Age:

Occupation :

S/o Shri Lakap Bagang

R/o Chayang Tajo
PO/PS Seppa
East Kameng District
Arunachal Pradesh.

29: Goda Yabang

Age:

Occupation :

D/o Shri Goda Tadum

R/o Itanagar
PO/PS Itanagar
Papumpare District
Arunachal Pradesh.

30: Osiri Pertin

Age:

Occupation :

D/o Shri Kishore Pertin

R/o Naharlagun
PO/PS Naharlagun
Papumpare District
Arunachal Pradesh.

31: Tai Abu

Age:

Occupation :

S/o Shri Tai Bagang

R/o Itanagar
PO/PS Itanagar
Papumpare District
Arunachal Pradesh.

32: Raj Kumar Medak
Age:
Occupation :
S/o Shri Dombhiram Medak

R/o Naharlagun
PO/PS Naharlagun
Papumpare District
Arunachal Pradesh.

33: Nabam Maji
Age:
Occupation :
S/o Shri Nabam Tate

R/o Naharlagun
PO/PS Naharlagun
Papumpare District
Arunachal Pradesh.

34: Samne Gyadi
Age:
Occupation :
S/o Shri Tallo Gyadi

R/o Itanagar
PO/PS Itanagar
Papumpare District
Arunachal Pradesh.

35: Kende Mugli
Age:
Occupation :
S/o Shri Siken Mugli

R/o Banderdewa
PO/PS Banderdewa
Papumpare District
Arunachal Pradesh.

36: Charu Tajing
Age:
Occupation :

S/o Charu Tago

R/o IG Park
PO/PS Itanagar
Papumpare Arunachal Pradesh

VERSUS

THE STATE OF AP and 6 Ors.

Represented by the Chief Secretary, Govt. of AP, Itanagar. 2:the Commissioner
(Home)

Age: 0

Occupation :

Govt. of Arunachal Pradesh

Itanagar

PIN 791111

3:the Director General of Police

Age: 0

Occupation :

Govt. of Arunachal Pradesh

PHQ Chimpur

Itanagar

PIN 791111

4:Inspector General of Police

Age: 0

Occupation :

Govt. of Arunachal Pradesh

PHQ Chimpur

Itanagar.

5:the Secretary

Age: 0

Occupation :

Sports and Youth Affairs

Govt. of Arunachal Pradesh

Itanagar

PIN 791111

6:the Director

Age: 0

Occupation :

Sports

Govt. of Arunachal Pradesh

Chimpur Itanagar

District Papumpare

Arunachal Pradesh

PIN 791111

7:the Director
Age: 0
Occupation :
Youth Affairs
Govt. of Arunachal Pradesh
Chimpu Itanagar
District Papumpare
Arunachal Pradesh

Advocate for the Petitioner : Sunil Mow, Chanya Bangsia, Madan Mili, Sonam Tsomo, T Siga, Aruna Rai, Tali Umbey, S D Loda, Reken Ingo

Advocate for the Respondent : GA (AP),

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 10.08.2026

Heard Mr. R. Ingo, learned counsel, appearing for the petitioners. Also heard Mr. N. Ratan, learned Additional Advocate General, Arunachal Pradesh, appearing for the State Respondents.

2. The petitioners by way of instituting the present writ petition has assailed the rejection of their candidature by the recruiting authorities, for recruitment to the posts of constable as advertised

vide advertisement dated 29.06.2018.

3. The petitioners in the present writ petition have projected that they are meritorious sports persons from different sports discipline viz., Boxing, Karate, Athletics, Judo etc., and they have brought many laurels for the State in Zonal, National Or International events, in their respective field of sport. The Director General of Police, Arunachal Pradesh, vide an advertisement dated 29.06.2018, invited applications from Meritorious Sports Persons, who had represented the State of Arunachal Pradesh, for recruitment against the post so put up for advertisement under sports quota against civil police AAPBn and IRBN of Arunachal Pradesh Police. The intending candidates while being required to satisfy the criteria of being a Meritorious Sports Person, were also required to be within the age limit as prescribed, therein, and also to meet the physical standard so mandated. The candidate was also required to possess educational qualifications, as has been prescribed for the various posts so advertised. The identification of Meritorious Sports Person, was disclosed in the said advertisement to be so made in terms of the communication issued by the Government of India, Ministry of

Personal Public Grievances and Pension, dated 04.08.1980, as adopted by the Government and also the Office Memorandum dated 14.05.2001. The petitioners finding themselves to fulfil the eligibility criteria as mandated in the said advertisement, submitted their respective applications along with the relevant testimonials pertaining educational qualifications as well as achievements made by them in the field of their respective sports. The respondent authorities thereafter, issued to the petitioners call letters for appearing in the PST/PET and documents scrutiny segments of the process. The said selection process was so scheduled on 09.06.2023 and 10.06.2023. The petitioner on appearing in the said selection process, were required to furnish their requisite certificates pertaining to the achievements made by them in the field of their respective sports. The Recruiting Authority on a perusal of the certificates produced by the petitioners, proceeded to reject the same by holding that the sports certificates produced by the petitioners, did not conform to the norms for recruitment as a Meritorious Sports Person. The petitioners were in this connection issued with individual *Rejections Slips*.

Being aggrieved the petitioners have instituted the present writ

petition.

4. Mr. R. Ingo, learned counsel, appearing for the petitioners, by reiterating the facts noticed, hereinabove, has submitted that the petitioners, herein, satisfied the requisite criteria of having participated in National and International level tournaments/competitions in their respective sport. He submits that the certificates submitted by the petitioners also included certificates awarded to the petitioners in events organized by the respective sports associations. It is projected that in terms of a clarifications given by the Director of Sports, Government of Arunachal Pradesh, even the medallist in competitions organized by the All India Karate Federations/ Karate Associations of India, would have to be given preference for selection as Meritorious Sports Person. The learned counsel for the petitioners further submits, that most of the petitioners in view of the medals secured by them even in competitions organized by the respective sports Federation/Associations, were awarded cash money in terms of the Arunachal Pradesh State Sports Policy, 2017, notified vide a notification dated 27.09.2017.

4.1. The learned counsel for the petitioner has further submitted that the respondent authorities for the purpose of rejection of the case of the petitioners, has placed reliance on a communication dated 11.03.2022, issued by the Director of Sports, Government of Arunachal Pradesh, wherein, it was *inter alia*, projected that merit certificates pertaining to open championships/tournaments/competitions category may not be considered. He submits that the said prescription made in the communication dated 11.03.2022, is contrary to the Sports Policy of the State adopted in the year, 2017. The learned counsel for the petitioner has further submitted that the candidature of the petitioners were rejected at the threshold and the petitioners were not permitted to take part in the selection process. He submits that the advertisement being of 2018, the subsequent communication dated 11.03.2022, could not have been relied upon by the recruiting Department, inasmuch as, the said clarification was so issued after the selection process was initiated. He submits that once the game has begun, the Rules, thereof, cannot be changed. The learned counsel for the petitioners has referred to a communication dated 28.07.2016, issued by the Director of Sports, Government of Arunachal Pradesh, wherein, it was clarified that even

the medallist in events organized by the Federation as specified, therein, would be eligible to be considered for recruitment against the Meritorious Sports Person quota. Accordingly, he submits that it is the prescription made in the communication dated 28.07.2016, that is to be reckoned by the respondent authorities in the recruitment exercise, in question, in the present proceedings.

4.2. Mr. R. Ingo, learned counsel, appearing for the petitioners, further submits that in the same Home Department, recruitments were effected in respects of persons possessing similar certificates like the petitioners, herein, and accordingly, in rejecting the candidature of the petitioners, the respondents have committed a discrimination against them, which is not permissible.

4.3. Mr. R. Ingo, submits that the respondent authorities while recruiting candidates against the Meritorious Sports Person quota must apply the same yardstick and there cannot be separate yardsticks applied in respect of a particular set of candidates, than that was applied in respect of similarly situated candidates, who were ultimately recruited and appointed in their respective posts. He further submits that while the candidature of the petitioners were

rejected, similarly situated candidates were appointed in other Departments of the Government of Arunachal Pradesh.

4.4. In the above premises Mr. R. Ingo, submits that the *Rejections Slips* issued in respect of each of the petitioners would mandate an interference from this Court with a further direction for permitting the petitioners to participate in the selection process which would now be required to be scheduled by the respondent authorities.

5. Per contra, Mr. N. Ratan, learned Additional Advocate General, Arunachal Pradesh, appearing for the State Respondents, at the outset has submitted that given the prescriptions made in the advertisement dated 29.06.2018, the emphasis, therein, is in respect of the participation in National and International tournaments, which he submits are tournaments wherein, a sports person participates as a representative of his State. He submits that the National level/International level certificates produced by the petitioners, were found to be certificates issued to them in respect of invitational/style tournaments and the participation by the petitioners, therein, in their individual capacity and not as a representative of a particular State, the same were not permissible to be reckoned for the purpose of

recruitment as a Meritorious Sports Person.

5.1. Mr. N. Ratan, by referring to the communication dated 28.07.2016, has submitted that the prescription made, therein, would not be permissible to be applied, pursuant to the adoption made by the Government of the Arunachal Pradesh, States Sports Policy, 2017. He submits that in the said Sports Policy of the State, in addition to International and National level events, the zonal events conducted by the respective Federation have also been earmarked for grant of cash incentives. He submits that the persons on participation even in zonal events as a representative of the State and being awarded with a medal, therein, would be entitled to cash incentives. He submits that persons receiving cash incentives under such circumstances would be entitled to be considered for recruitment against the Meritorious Sports Person quota. He submits that in the said sports policy, Invitational and style tournament medal holders were held to be ineligible for the cash award.

5.2. Having made the said submissions, Mr. N. Ratan, on instructions, has submitted that from a perusal of the *Rejection Slips* of the petitioners, it is found that the certificates of the petitioners

received from zonal level competitions recognized under the Sports Policy of 2017, were not given a credence. He submits that the certificates of the petitioners were so verified by the authorities of the Police Department and no expert from the Directorate of Sports, Arunachal Pradesh, was involved in the said process. He submits that the zonal level certificates of the petitioners, were not found to have been considered inspite of a communication dated 11.03.2022, being issued by the Director of Sports, Government of Arunachal Pradesh. He submits that in the said communication dated 11.03.2022, it was specified that the zonal level is one of the qualifying stages of the competition for higher level participation at National and All India Inter University/School Games, which can be considered on merit. He submits that in the above situation, this Court may remand the matter back to the recruiting department for a re-verification of the certificates submitted by the petitioners along with their respective applications. He submits that the said exercise can be undertaken by the Recruiting Agency, by constituting a Committee and including, therein, officials of the Directorate of Sports, Arunachal Pradesh.

6. Although, the learned counsel for the petitioner had objected to

such a process being adopted, however, he submits that the certificates submitted by the petitioners, be so considered by the authorities by also construing the appointments effected in respect of persons having similar certificates and even certificates of the same tournaments which the petitioners had also participated and awarded medals.

7. I have heard the learned counsel for the parties and also perused the materials available on record.

8. The facts leading to the institution of the present writ petition, noticed, hereinabove, is not disputed.

9. The candidature of the petitioners were rejected primarily on the ground that the certificates produced by them did not satisfy the requirement of the advertisement and that the certificates were of Invitational and style tournaments. Although, the petitioners have relied upon a communication dated 28.07.2016, to emphasize that even the Invitational and style level events, would be permissible to be reckoned for recruitment against the Meritorious Sports Person quota, available in various departments and that the same were being so reckoned, this Court finds that the Government of Arunachal

Pradesh, vide a notification dated 27.09.2017, had notified the Arunachal Pradesh State Sports Policy, 2017, and a perusal of the said policy would go to reveal that the same does not cover invitational and/or style level tournaments. It is to be noted that the Sports Policy provides for cash incentives for medals being awarded in tournaments recognized by it and the same excludes from its purview Invitational and/or style level tournaments. Accordingly, the earlier communication dated 28.07.2016, in the considered view of this Court, cannot be held to be operative, after the notification of the State Sports Policy vide the notification dated 27.09.2017.

10. Having noted the said position, this Court further notices that the petitioners have projected that their cases were rejected primarily basing on a communication dated 11.03.2022. This Court has perused the said communication dated 11.03.2022, and finds that the same was issued by the Directorate of Sports, Government of Arunachal Pradesh, in response to a query received by it from the Police Headquarters, pertaining to the recruitment underway, in pursuance to the advertisement dated 29.06.2018.

11. On a perusal of the said communication dated 11.03.2022,

this Court finds that the same is a clarificatory one. It is a settled position of law that a clarificatory communication has retrospective effect and would go back to the period when the action, in question, had been initiated, which in the case is the advertisement dated 29.06.2018. In the said communication dated 11.03.2022, while providing that the merit certificates pertaining to open championship/tournament/competition, may not be considered, the zonal level competitions were given an importance and was required to be reckoned for consideration on merits. However, this Court finds that the zonal level certificates of the candidates were not considered by the respondent authorities although the clarification in this matter for reckoning it was issued by the Director of Sports, Government of Arunachal Pradesh, vide the communication dated 11.03.2022.

12. It is in the above background that Mr. N. Ratan, learned Additional Advocate General, has fairly submitted that to ensure that none of the petitioners, herein, were discriminated against in the matter of consideration of the sports certificates furnished by them along with their applications, a re-verification process of the sports certificates produced by the petitioners would be mandated to be

carried out. He has submitted that the said exercise would be so mandated to be carried out by the officials of the Establishment of the Director General of Police, Arunachal Pradesh, and Officials of the Directorate of Sports, Arunachal Pradesh. He submits that in the event, the petitioners on such re-verification are found to satisfy the prescriptions made in the Sports Policy of the States of 2017, and the clarificatory communication dated 11.03.2022, the cases of the petitioners can be recommended for participation in the selection process. He submits that the respondent authorities would facilitate holding of a selection process for such of the petitioners who on re-verification of sports certificates are found to be eligible to participate in the selection process. The said submission made by Mr. N. Ratan, is found acceptable by this Court and is found to be confirming to the stand, a model State is to take in such matters.

13. At this stage this Court notices that in the present proceedings, this Court in the interim, vide order dated 12.07.2023, had directed not to finalize the selection process in pursuance to the advertisement dated 29.06.2018. However, the said interim directions, came to be modified vide order dated 21.12.2023, passed

in I.A(C).No.214/2023, and while permitting the recruitment exercise to be carried forward, 36 (thirty six) posts were directed not to be filled up. It is submitted at the Bar that 35 (thirty five) candidates in pursuance to the said directions passed by this Court vide order dated 21.12.2023, have been already appointed.

14. In view of the above situation and considering the submission made by the learned Additional Advocate General, Arunachal Pradesh, this Court directs the Director General of Police, Arunachal Pradesh, to constitute a Committee for re-verification of the sports certificates furnished by the petitioners along with their respective applications. The said Committee is to be so formed with officials of the Establishment of the Directorate General of Police, as well as Officials nominated by the Director of Sports, Government of Arunachal Pradesh. The said Committee shall thereafter, verify the sports certificates furnished by the petitioners, along with their respective applications strictly in accordance with the advertisement, the Sports Policy of the State, notified vide notification dated 27.09.2017, as well as the clarificatory communication dated 11.03.2022. It will also open to the Committee to have the certificates furnished by the petitioners,

verified from the authorities that had issued the same. The said Committee be constituted and the Committee be directed to complete the re-verification, directed, hereinabove, within a period of 03 (three) months from the date of receipt of a certified copy of this order from the petitioners.

15. The Director General of Police, Arunachal Pradesh, shall thereafter, basing on the recommendations made by the said Committee, permit the petitioners so recommended by the said Committee, to participate in the selection process as contemplated in the advertisement dated 29.06.2018, and shall schedule the requisite test/examination in terms, thereof. For the purpose of facilitating the recommended candidates to participate in the selection process, fresh call letters be issued to the petitioners, who are recommended by the said Committee. Thereafter, the recruitment be taken to its logical conclusion strictly in accordance with law and such of the petitioners found to be suitable be issued with their respective orders of appointment. It is further provided that, in the event any post as advertised vide the advertisement dated 29.06.2018, remains vacant, on conclusion of the said process, the same be put up for recruitment

in accordance with law.

16. Further considering the fact that the present writ petition was pending before this Court since the year 2023, the candidature of the petitioners, recommended by the Committee, now directed to be constituted for verification of their respective sports certificates, be not rejected on the ground that the petitioners in the meanwhile had become over-aged.

17. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant