

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Civil Writ Petition No. 8401/2020

1. Madanlal Takhar Son of Dula Ram, Village Maganpura Tehsil Danta Ramgarh, District Sikar, Rajasthan
2. Satish Joshi Son of Maliram, Resident of Village Jaje Kala Tehsil Shahpura, District Jaipur
3. Sandeep Kumar Son of Shankar Lal, Resident of Village Repswalon Ki Dhani, Tan Guda Gaodji, Tehsil Udaipurwati, District Jhunjhunu, Rajasthan
4. Giriraj Singh Son of Chiman Singh, Resident of Village Guda Wali, District Bharatpur, Rajasthan
5. Rakesh Raliya Son of Ram Prakash, Village Khariya Khangar, Tehsil Bhopalgarh, District Jodhpur, Rajasthan
6. Narendra Singh Yadav Son of Ramniwas, Resident of Village Chandi Chana, Tehsil Baharid, District Alwar, Rajasthan

-----Petitioners

Versus

1. State of Rajasthan through Secretary to the Government, Department of Personnel, Secretariat, Jaipur
2. Principal Secretary, Youth Affairs and Sports Department, Government of Rajasthan, Government Secretariat, Jaipur

-----Respondents

Connected With

D.B. Civil Writ Petition No. 6159/2020

1. Bajrang Lal Takhar S/o Shri Dula Ram Takhar, Aged About 39 Years, Resident of Village Maganpur, Post Baay, Tehsil Dantaramgarh, District Sikar-332601 (Raj.)
2. Navneet Gautam S/o Shri Govind Narayan Sharma, Aged About 37 Years, Resident of Dhulehswar Garden, Hathroi, Ajmer Road, Jaipur (Raj.)

-----Petitioners

Versus

1. State of Rajasthan through the Chief Secretary, Government Secretariat, Jaipur.
2. The Deputy Secretary, Department of Personnel, Government Secretariat, Jaipur, Rajasthan.
3. The Additional Chief Secretary, Department of Home, Government Secretariat, Jaipur, Rajasthan.
4. The Principal Secretary, Youth Affair And Sports Department, Government Secretariat, Jaipur.
5. The Director General of Police, Police Head Quarters, Lal Kothi, Jaipur

-----Respondents

D.B. Civil Writ Petition No. 12378/2020

Sumitra Sharma D/o Shri Chandrashekhar Sharma, Aged About 27 Years, International Women Kabddi Player R/o Plot No. 4, Shiv Nagar Road No. Sikar Road, Jaipur Rajasthan 302039.

-----Petitioner

Versus

1. State of Rajasthan through Chief Secretary, Government of Rajasthan Government Secretariat, Jaipur.
2. The Principal Secretary, Department of Personnel, Government Secretariat, Jaipur, Rajasthan.
3. The Additional Chief Secretary, Department of Home, Government Secretariat, Jaipur, Rajasthan.
4. The Principal Secretary, Youth Affair and Sports Department, Government Secretariat, Jaipur.
5. Rajasthan State Sports Council, Through Its Secretary, S.m.s. Stadium, Jaipur.

-----Respondents

D.B. Civil Writ Petition No. 12774/2020

Ramesh Singh S/o Shri Rajendra Singh, Aged About 43 Years, Resident of 116, Devi Nagar, Harnathpura, Jhotwara, Jaipur-302012

-----Petitioner

Versus

1. State of Rajasthan through the Additional Chief Secretary, Department of Personnel, Government Secretariat, Jaipur
2. The Principal Secretary, Sports And Youth Affair Department, Government Secretariat, Jaipur
3. The Rajasthan Sports Council, Through Its Secretary, Jaipur

-----Respondents

D.B. Civil Writ Petition No. 13002/2020

Smt. Manju Bala W/o Shri Ramesh Mann, Aged About 31 Years, R/o Vpo Ladunda, Tehsil Surajgarh, District Jhunjhunu (Raj.) Presently Working On The Post Of Inspector At Income Tax Department, Delhi.

-----Petitioner

Versus

1. The State of Rajasthan, Through Secretary, Department of Home, Govt. of Rajasthan, Secretariat, Jaipur.
2. The Secretary, Department Of Personnel (Dop), Govt. of Rajasthan, Secretariat, Jaipur.
3. The Secretary, Rajasthan State Sports Council, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Manoj Bhardwaj in CWP
No.12378/2020 & 13002/2020
Mr. Tanveer Ahmed &
Mr. Harshit Khan in CWP No.
6159/2020 & 12774/2020

For Respondent(s) : Mr. Vigyan Shah, AAG with
Mr. Sankalp Vijay
Mr. Jai Raj Tantia for Sports Council

HON'BLE MR. JUSTICE SUDESH BANSAL
HON'BLE MR. JUSTICE RAVI CHIRANIA

Order

04/05/2026

1. In this batch of writ petitions, challenge has been made to the cut-off date i.e. 01.01.2016 prescribed under Rule 3(2) of the Rajasthan out of turn appointment to Sports Medal Winners Rules, 2017 (hereinafter referred to as "the Rules of 2017"), notified vide Notification dated 03.07.2017 so also repeated in the Rajasthan out of turn appointment to Sports Medal Winners (Amendment) Rules, 2020 (hereinafter referred to as "the Rules of 2020"), notified vide Notification dated 18.03.2020 and while questioning the vires of relevant Rule 3(2) of the Rules of 2017 and amended Rules of 2020 to the limited extent of fixing the cut-off date of 01.01.2016, it has been prayed that respondents be directed to amend the Rule so as to include the persons including petitioners, who have acquired sports achievements prior to the prescribed cut-off date of 01.01.2016 for the purpose of granting appointment as per the respective category- A, B and C of the medal winners, corresponding to the post in various services prescribed under Schedule-I, Schedule-II & Schedule-III respectively under the Rules of 2017 and amended Rules of 2020.

For ready reference, the relevant portion of the Rule 3(2), containing the cut-off date in question i.e. 01.01.2016, which is verbatim in the Rules of 2017 so also in the amended Rules of 2020, is being reproduced as under:-

"3(2). For the purpose of appointment under these rules, only sports achievement obtained by the players after 01.01.2016 shall be considered....."

2. Joint submission of respective counsels, appearing for and on behalf of petitioners is that the Rules of 2017 and amended Rules of 2020 were framed and promulgated by the Government of Rajasthan, for extending special privilege of appointment, out of turn, to the sports medal winners of the Rajasthan State, against the various posts specified in Schedule-I, Schedule-II & Schedule-III, appended to these rules, then limiting that privilege only to those sports medal winners, whose sports achievement are post to the cut off date i.e. 01.01.2016, is an arbitrary and discriminatory action of State because same creates a class within class among the same class of sports medal winners and offends Article 14 of the Constitution of India. Their further submission is that Article 14 of the Constitution of India, forbids class legislation, although a reasonable classification on the foundation of intelligible differentia is permissible. Their submission is that the foundation of the classification, made among the same set of people by fixing the cut off date of 01.01.2016, is not based on the principle of permissible and reasonable classification, and same is not founded based on intelligible differentia. Thus, such an action of State, not only leads to an unreasonable classification and unfair discrimination among the same group of persons, but literally

defeats the purpose, for which such rules were promulgated. Hence, the prayer of petitioners is that, fixing a cut off date of 01.01.2016 and thereby ousting the sports medal winners of previous date to this cut off date i.e. 01.01.2016, from getting the privilege of appointment under the Rules of 2017 and amended Rules of 2020, is nothing, but an arbitrary, discriminatory, irrational and unjust action of State which deserves to be declared violative to Article 14, 16 & 21 of the Constitution of India and Rule 3 (2) of the Rules, to the extent of the prescribed cut off date 01.01.2016, is liable to be quashed.

3. Reliance has been placed by counsel for petitioners on the judgment of the Hon'ble Supreme Court, delivered in case of ***South Central Railways Vs. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Assn., [(2016) 3 SCC 582]***, wherein it was held and observed as under:-

"25. Article 14 of the Constitution of India mandates that State action must not be arbitrary and discriminatory. It must also not be guided by any extraneous considerations which are antithetical to equality. A three-Judge Bench of this Court in Ramana Dayaram Shetty v. International Airport Authority of India (Ramana Dayaram Shetty v. International Airport Authority of India, (1979) 3 SCC 489] held as under:

"21.... It must, therefore follow as a necessary corollary from the principle of equality enshrined in Article 14 that though the State is entitled to refuse to enter into relationship with any one, yet if it does so, it cannot arbitrarily choose any person it likes for entering into such relationship and discriminate between persons similarly circumstanced, but it must act in conformity with some standard or principle which meets the test of reasonableness and non-discrimination and any departure from such standard or principle would be invalid unless

it can be supported or justified on some rational and non-discriminatory ground."

4. Counsel for petitioners have also placed a reliance on an another judgment of Hon'ble Supreme Court delivered in case of **All Manipur Pensioners Association Vs. State of Manipur, [(2020) 14 SCC 625]**, wherein while following the principle formulated by the Hon'ble Supreme Court in case of **D.S. Nakara & Ors. Vs. Union of India [(1983) 1 SCC 305]**, the cut off date fixed by State for grant of revised pension to the retired employees was held arbitrary, discriminatory, unreasonable and violative to Article 14 of the Constitution of India. The relevant portion of judgment, Para No.8 and 8.1, reads as under:-

"8. Even otherwise on merits also, we are of the firm opinion that there is no valid justification to create two classes viz. one who retired pre-1996 and another who retired post-1996, for the purpose of grant of revised pension. In our view, such a classification has no nexus with the object and purpose of grant of benefit of revised pension. All the pensioners form one class who are entitled to pension as per the pension rules. Article 14 of the Constitution of India ensures to all equality before law and equal protection of laws. At this juncture it is also necessary to examine the concept of valid classification. A valid classification is truly a valid discrimination. It is true that Article 16 of the Constitution of India permits a valid classification. However, a valid classification must be based on a just objective. The result to be achieved by the just objective presupposes the choice of some for differential consideration/treatment over others. A classification to be valid must necessarily satisfy two a tests. Firstly, the distinguishing rationale has to be based on a just objective and secondly, the choice of differentiating one set of persons from another, must have a reasonable nexus to the objective sought to be achieved. The test for a valid classification may be summarised as a

distinction based on a classification founded on an intelligible differentia, which has a rational relationship with the object sought to be achieved. Therefore, whenever a b cut-off date (as in the present controversy) is fixed to categorise one set of pensioners for favourable consideration over others, the twin test for valid classification or valid discrimination therefore must necessarily be satisfied.

8.1. In the present case, the classification in question has no reasonable nexus to the objective sought to be achieved while revising the pension. As observed hereinabove, the object and purpose for revising the pension is due to the increase in the cost of living. All the pensioners form a single class and therefore such a classification for the purpose of grant of revised pension is unreasonable, arbitrary, discriminatory and violative of Article 14 of the Constitution of India. The State cannot arbitrarily pick and choose from amongst similarly situated persons, a cut-off date for extension of benefits especially pensionary benefits. There has to be a classification founded on some d rational principle when similarly situated class is differentiated for grant of any benefit."

5. *Per contra*, Additional Advocate General appearing for and on behalf of Government of Rajasthan submitted that vires of Rule 3(2) of Rules of 2017 and of amended Rule of 2020 in contrast to prescribing the cut off date i.e. 01.01.2016 may not be read in isolation, rather has to be read in conjunction with Rule 3(4) of these rules and a joint reading of Rule 3(2) and 3(4) makes it explicit that the Government of Rajasthan promulgated these statutory rules as a special scheme to promote the sports players in the Rajasthan and to encourage the active/young sports persons, who were currently playing and active in sports, to provide them an enabling environment to continue playing and achieving high goal in their respective sports for at least five

years. Learned Additional Advocate General pointed out that Rule 3(4) prescribes that the medal winners, who would be appointed under these Rules, shall be encouraged and provided enabling environment to continue playing and achieving high goals in their respective sports for at least five years and their performance assessment will be linked to their sporting achievements. His submission is that the word "players" used in Rule 3(4) is for those, who are still playing regularly for nation at national and international level. Thus, submission of Additional Advocate General is that the purpose of fixing cut off date i.e. 01.01.2016 in Rule 3(2) has a nexus with the object and purpose of framing these rules and has to be considered in conjunction with the Rule 3(4) since both these rules are supplementary to each other and have to be harmonized so as to give effect to both these rules together.

6. Further submission of Additional Advocate General is that it is well settled proposition of law that fixing a cut off date is within the domain of executive authority/rule making authority and the Courts within the scope of judicial review, ordinarily should not interfere with the fixation of cut off date unless same appears to be on the face of it arbitrary, blatantly discriminatory and capricious or whimsical or wide off the reasonable mark. His submission is that the cut off date is fixed by the executive authority/rule making authority keeping in view the economic conditions, financial constraints and many other administrative and other attending circumstances, which may not be dubbed as arbitrary, even if no particular reason is forthcoming to justify the choice of cut off date, rather the person questioning the legality

and validity of fixing the cut off date by rule making authority, has to show that same is capricious or whimsical, malafide and wholly unreasonable as much as contrary to the object and purpose sought to be achieved. To buttress his submissions, Additional Advocate General has referred and relied upon the following series of judgments, pronounced by the Hon'ble Supreme Court, affirming the action of State Authorities of fixing cut off date for various purposes and declining to grant judicial interference therein:-

- i. UGC Vs. Sadhana Chaudhary reported in (1996) 10 SCC 536;*
- ii. Ami Lal Bhat (Dr.) Vs. State of Rajasthan reported in (1997) 6 SCC 614;*
- iii. Ramrao Vs. All India Backward Class Bank Employees Welfare Association reported in (2004) 2 SCC 76;*
- iv. Govt. of A.P. Vs. N. Subbarayudu reported in (2008) 14 SCC 702*

Hence, the conclusive submission of Additional Advocate General is that the challenge to the fixing of cut off date i.e. 01.01.2016 and on that count seeking to declare Rule 3(2) of Rules of 2017 and amended Rules of 2020 to that extent as ultra vires and against Article 14 of the Constitution of India, is baseless and unfounded and writ petitions are liable to be dismissed.

7. Heard. Considered.

8. The Rules of 2017 were made by the Government of Rajasthan in exercise of powers conferred by the proviso to Article 309 of the Constitution of India, for regulating the recruitment of out of turn appointment of personnel vide Notification dated 03.07.2017. Thereafter, vide Notification dated 18.03.2020, an

amendment was introduced in the Rules of 2017 by amending/substituting Rules 3 and 4, but in respect of prescribing the cut off date i.e. 01.01.2016 in Rule 3(2) of Rules of 2017, no amendment was carried out in the amended Rules of 2020. Privilege of out of turn appointment to the Sports Medal Winners under these rules have been extended only to the players, who obtained sports achievements after 01.01.2016, hence, by fixing this cut off date i.e. 01.01.2016, the players, who have sports achievements prior to 01.01.2016 in either of category A, B and C, have been ousted to get the privilege of appointment under these rules. Due to such reason, the fixation of cut off date i.e. 01.01.2016 has been put to challenge by the petitioners, who claim themselves to be sports medal winners/ and to obtain sports achievement, prior to the cut off date i.e. 01.01.2016 and obviously have been deprived to get benefit/ privilege provided under the Rules of 2017 and amended Rules of 2020.

9. At the outset, it is noteworthy that the vires of Rule 3(2) to the extent of prescribing cut off date i.e. 01.01.2016 has not been called in question herein on the ground of the competence of rule making authority in fixing the cut off date. Thus, it is not at all case of petitioners that fixation of cut off date under Rule 3(2) has been done by the legislative authority/rule making authority, beyond its legislative competence. Rather, challenge to the cut off date has been made on the ground that due to fixing of the cut off date, among the class of sports medal winners, a class within a class has been created which leads to an artificial and unreasonable classification and offends Article 14 of the Constitution of India.

10. In a catena of decisions delivered by the Hon'ble Supreme Court, it has been held as a settled proposition of law that fixing a cut off date is within the domain of the executive authority/rule making authority and the Court should not normally interfere with the fixation of cut off date by the executive/rule making authority unless such order appears to be on the face of it blatantly discriminatory and arbitrary. Further, it is also well settled that the choice of a date, as determined by the rule making authority, as a basis for classification, cannot always be dubbed as arbitrary, merely for the reason that no particular reason on choice of date is forthcoming. It may be held and observed here that, unless the cut off date fixed by the authority is not shown to be capricious or whimsical or wide off the reasonable mark, malafide and unreasonable in the circumstances, same is not required to be interfered with by the Court in exercise of its powers of judicial review. The relevant case law in this context shall be referred in the later part of this judgment.

11. This Court finds force in the submission of Additional Advocate General that Rule 3(2) in context to fixing the cut off date in question should not be read in isolation, but has to be read in conjunction with Rule 3(4) since both are supplementary to each other and have to be harmonized to give effect to both these Rules together. For ready reference, Rule 3(4) reads as under:-

"3(4). Medal Winners who are appointment under these Rules shall be encouraged and provided enabling environment to continue playing and achieving high goals in their respective sports for at least five years and during this period their performance assessment will be linked to their sporting achievements. These players will also be made available to the Sports and

Youth Affairs Department for participation, training or supervision of tournaments as required."

12. Having gone through Rule 3(4) (supra), it is difficult for us to hold that the fixing of cut off date by the rule making authority in Rule 3(2) has no nexus or travels contrary to the object and purpose sought to be achieved by making the Rules of 2017 and amended Rules of 2020, as much as the action of State of fixation of cut off date i.e. 01.01.2016 to extend privilege of appointment to the sports achievers/sports medal winners post to the cut off date i.e. 01.01.2016, may not be held as arbitrary, capricious or whimsical, malafide and unreasonable.

13. As far as submission of counsel for petitioners that fixing of the cut off date creates a class within class among the same class of sports medal winners and leads to an unreasonable classification and discrimination is concerned, it is suffice to observe that Article 16 of the Constitution of India permits a valid classification and a valid classification, is truly a valid discrimination as well. It is to be noted that a valid classification must be based on a just objective and on some rationale principle, which must have nexus with the objects sought to be achieved. A classification to be valid must necessarily satisfy two tests. Firstly, the distinguishing rationale has to be based on a just objective and secondly, the choice of differentiating one set of persons from another must have a reasonable nexus with the objective sought to be achieved. A valid classification may be summarized as a distinction based on a classification founded on an intelligible differentia, which has a rationale relationship with the object sought to be achieved. Undisputedly, the issue of fixation of a cut off date is within province of State or rule making authority and

merely the choice of date as a basis for classification may not be considered as an arbitrary action, more so when same has some nexus with the object sought to be achieved. Whenever a cut off date is fixed, in any process, indisputably those who fall within the purview thereof would form a separate class. Such a classification has a reasonable nexus with the object sought to be achieved, hence, such classification may not be termed as unreasonable or discriminatory nor would fall within the category of creating a class within a class or an artificial classification so as to offend Article 14 of the Constitution of India.

14. In the judgment of the Hon'ble Supreme Court delivered in case of ***All Manipur Pensioners Association (supra)*** relied upon by counsel for petitioners, similar ratio decidendi was reiterated in Para No.8 & 8.1, reproduced hereinabove, but since all the pensioners were held to form only one homogeneous class as a whole, hence, it was held by the Supreme Court that solely on the ground of financial constraints, the action of State to fix a cut off date i.e. 01.01.1996 for the purpose of grant of benefit of revised pension to the employees, who retired post to 01.01.1996, and denied revision in the pension to those who retired prior to 01.01.1996 was held to be arbitrary and discriminatory as much as against any rationale principle. Since purpose and object sought to be achieved by giving a special privilege to the sports medal winners, who have their sports achievements after 01.01.2016 for the purpose of appointment out of turn by promulgating the Rules of 2017 and amended Rules of 2020 is a rationale and logic in the light of Rule 3(4) of the Rules and further all the sports medal winners may not be put in one homogeneous

class nor the cut off date has been sought to be justified only on the ground of financial constraints, therefore, due to distinguished facts, the outcome of judgment of Hon'ble Supreme Court in case of **All Manipur Pensioners Association (supra)** do not render any support to the case of the petitioners. As far as *ratio decidendi* followed in this judgment is concerned, there cannot be any quarrel about the same and applying that *ratio decidendi* to the facts obtaining herein, the fixation of cut off date may not be termed as arbitrary, discriminatory and malafide action on the part of State nor can be considered to create an artificial classification or class within class among the sports medal winners.

15. Coming to the judgments of the Hon'ble Supreme Court referred by and on behalf of Additional Advocate General appearing for State, in case of **Sadhana Chaudhary (supra)**, the Hon'ble Supreme Court held and observed in Para No.21 that, "*.....it is settled law that the choice of a date as a basis for classification cannot always be dubbed as arbitrary even if no particular reason is forthcoming for the choice unless it is shown to be capricious and whimsical in the circumstances. When it is seen that a line or a point there must be and there is no mathematical or logical way of fixing it precisely, the decision of the legislature or its delegate must be accepted unless it can be said that it is very wide off the reasonable mark.*"

16. In case of **Ami Lal Bhat (Dr.) (supra)**, the Hon'ble Supreme Court while dealing with the issue of fixation of cut off date for determining the maximum or minimum age prescribed for a post, it was held and observed, in Para No.5, that, "*..... One must accept that such a cut off date cannot be fixed with any*

mathematical precision and in such a manner as would avoid hardship in all conceivable cases. As soon as a cut off date and some persons who will fall on the wrong side of the cut off date. That cannot make the cut off date, per se, arbitrary unless the cut off date is so wide off the mark as to make it wholly unreasonable....."

17. In case of **N. Subbarayudu (supra)**, the Hon'ble Supreme Court in respect of the issue of fixing the cut off date, held and observed in Para No.5, 6 and 7, as under:-

"5. In a catena of decisions of this Court it has been held that the cut off date is fixed by the executive authority keeping in view the economic conditions, financial constraints and many other administrative and other attending circumstances. This Court is also of the view that fixing cut off dates is within the domain of the executive authority and the Court should not normally interfere with the fixation of cut off date by the executive authority unless such order appears to be on the face of it blatantly discriminatory and arbitrary.

*6. No doubt in **D.S. Nakara & Ors. vs. Union of India 1983(1) SCC 305** this Court had struck down the cut off date in connection with the demand of pension. However, in subsequent decisions this Court has considerably watered down the rigid view taken in Nakara's Case (supra), as observed in para 29 of the decision of this Court in **State of Punjab & Ors. vs. Amar Nath Goyal & Ors. (supra)**.*

7. There may be various considerations in the mind of the executive authorities due to which a particular cut off date has been fixed. These considerations can be financial, administrative or other considerations. The Court must exercise judicial restraint and must ordinarily leave it to the executive authorities to fix the cut off date. The Government must be left with some leeway and free play at the joints in this connection."

18. The net outcome of discussion and enunciation made hereinabove is that the fixation of cut off date i.e. 01.01.2016

under Rule 3(2) of Rules of 2017 and amended Rules of 2020, may not be declared to be an arbitrary, discriminatory, irrational and unreasonable action of State and same does not violate Article 14 of the Constitution of India.

19. As a result, the writ petitions are hereby dismissed.

20. All pending application(s), if any, also stand disposed of.

(RAVI CHIRANIA),J

(SUDESH BANSAL),J

NITIN/RONAK JAIMAN/15-19