

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A. NO. 952/2022 WITH O.A.NO. 960/2022

01. ORIGINAL APPLICATION NO. 952 OF 2022

DISTRICT:- BEED

Mangesh S/o. Balu Zore,
Age-25 years, Occu. Nil,
R/o. At Patsara, Tq. Ashti,
Dist. Beed.

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APPLICANT

V E R S U S

- 1) The State of Maharashtra,**
Through Secretary,
Department of Home Ministry,
Mantralaya, Mumbai-32.
Through Chief Presenting Officer,
Office at M.A.T. Aurangabad.
- 2) The Commissioner of Police
Mumbai,** Address : Crawford
Market, Lokmanya Tilak Road,
Police Colony, Dhobi Talao,
Chhatrapati Shivaji Terminus
Area Fort, Mumbai,
Maharashtra-400 001.
- 3) The Deputy Director of Sports
Youth Services,** Aurangabad.
Division Sports Complex,
Garkheda Parisar, Aurangabad.
- 4) Deepak Bharadwaj**
R/o Plot No. 20, Nipat Niranjan
Nagar, Pahadsingpura,
Aurangabad.
- 5) Satish Potdar**
R/o : Rasta Apartment,
Flat No. 6, Rasta Peth,
Pune.

.. **RESPONDENTS**

02. ORIGINAL APPLICATION NO. 960 OF 2022**DISTRICT:- BEED****01. Siddheshwar S/o Prabhakar**

Darade, Age-26 years, Occu. Nil,
R/o. Khadki, Post. Deola,
Tq. Wadwani, Dist. Beed.

02. Ashok S/o Kedar Mule

Age : 25 years, Occu. Nil,
R/o Rajuri Ghodka,
Post Shivni, Tq. & Dist. Beed.

.. APPLICANTS**V E R S U S****1) The State of Maharashtra,**

Through Secretary,
Department of Home Ministry,
Mantralaya, Mumbai-32.
Through Chief Presenting Officer,
Office at M.A.T. Aurangabad.

2) The Commissioner of Police

Nagpur, 5347+6HR CBI Colony,
Sadar, Nagpur-440 001.

3) The Deputy Director of Sports

Youth Services, Aurangabad.
Division Sports Complex,
Garkheda Parisar, Aurangabad.

4) Deepak Bharadwaj

R/o Plot No. 20, Nipat Niranjan
Nagar, Pahadsingpura,
Aurangabad.

5) Satish Potdar

R/o : Rasta Apartment,
Flat No. 6, Rasta Peth,
Pune.

.. RESPONDENTS

APPEARANCE : Shri A.P. Shejul, learned counsel for
the applicants in both these OAs.

- : Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in both these OAs.
- : Shri C.D. Fernandes/Shri Pramod S. Brahmane, learned counsel for respondent No. 5 in O.A. No. 952/2022 & respondent Nos. 4 & 5 in O.A. No. 960/2022 (**absent**).

**CORAM : JUSTICE SHRI P.R. BORA, VICE CHAIRMAN
AND
: SHRI VINAY KARGAONKAR, MEMBER (A)**

RESERVED ON : 11.01.2024

PRONOUNCED ON : 09 .02.2024

C O M M O N - O R D E R

(Per : Justice Shri P.R. Bora, Vice Chairman)

Heard Shri A.P. Shejul, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in both these OAs.

Shri C.D. Fernandes/Shri Pramod S. Brahmane, learned counsel for respondent No. 5 in O.A. No. 952/2022 & respondent Nos. 4 & 5 in O.A. No. 960/2022 (**absent**).

2. The facts in both these applications are identical. The objections raised and the reliefs claimed by the applicants in both the OAs are also quite identical. In the circumstances,

we have heard both these applications together and deem it appropriate to decide same by this common order.

3. Facts in brief :

(i) The applicants had applied for the post of Police Constable in Nagpur Police Recruitment 2019 from the Sportsman category. The applicants were duly qualified in the written, as well as, oral examination and they were further qualified in the physical fitness and the ground test. Their names, therefore, were included in the list of selected candidates. Name of applicant in O.A. No. 960/2022 namely Siddheshwar P. Darade, was included in final select list and he was shown to be selected from NT-D Sports Category; whereas name of another applicant therein namely Ashok Kedar Mule was included in the provisional select list and he was shown to be selected from Open General Sports category. Name of the applicant in O.A. NO. 952/2022 namely Mangesh Balu Zore, was included in the provisional select list and he was shown to be selected from NT-C Sports persons' category.

4. It is the contention of the applicants that on the basis of letter issued by respondent No. 3 to respondent No. 2 the recruitment of the applicants is kept on hold. We deem it appropriate to reproduce the contentions taken by the applicants in this regard in their respective applications under Clause 'D', which reads thus:-

“(D) Jurisdiction : -

The petitioner is the resident of Beed District and a letter was issued by respondent no. 3 to respondent no. 2 and on the basis of the said letter, the recruitment of petitioner is on hold and therefore the cause of action arose within the jurisdiction of this Tribunal. Hence this Tribunal has got jurisdiction to entertain application under Section 19 of the Administrative Tribunals Act, 1985”

5. As submitted by the applicants in paragraph 5 of their respective applications as demanded by respondent No. 3 they submitted duly verified Sports certificate. It is further stated in the said paragraph that certificate was verified by respondent No. 3, the Deputy Director of Sports and Youth Services, Aurangabad, who is competent authority to verify the certificates in respect of Sports. It is further stated in the said paragraph that the applicants have filed copies of certificate of merits issued by Maharashtra Squash Rackets Association, Aurangabad, as well as, validity certificates issued by respondent no. 3 (Annexure ‘B’ Colly.). It is the further contention of the applicants that respondent Nos. 2 & 3 had issued letter to the applicants requiring them to remain present on 26.05.2022 at the premises of Deputy Director of Sports and Youth Services, Krida Sankul, Sut Girni Chowk, Aurangabad,

for taking their test in respect of their ability to play Squash Game. It is further contended that the applicants were again called for the same purpose on 21.06.2022 and on 10.08.2022 at the office of Director of Sports and Youth Services, Shivchatrapati Kridapith, Mhalunge, Balewadi, Pune. It is further averred in both the OAs that the ability of the applicants to play the squash game was tested by Mr. Deepak Bharadwaj (respondent No. 4) on 21.06.2022 as he was appointed as a PANCH by respondent No. 3. It is thereafter averred that Shri Satish Potdar (respondent No. 5) was appointed as a PANCH for the test conducted on 10.08.2022.

6. As contended by the applicants, Shri Deepak Bharadwaj, as well as, Shri Satish Potdar, both submitted their respective reports to respondent No. 3 certifying that the applicants can very well play the squash game and they are perfect in the game. It is the grievance of the applicants that though they were qualified in the test conducted on more than one occasion and lastly in presence of the experts appointed by respondent No. 3 and were certified to be possessing good skill and perfect in the squash game, respondent No. 3 forwarded a false report to respondent No. 2 stating that the applicants are not fit to play the game (squash game), therefore, 5%

reservation cannot be given to them. In both the OAs the said report is annexed as Annexure 'E'.

7. According to the applicants, though they are selected for the post of Police Constable after having successfully undergone the written, oral and field tests, only because of the false report forwarded by respondent No. 3 to respondent No. 2, they have not been given appointment orders. The applicants have in paragraph 11 of the respective applications averred that they had obtained the copy of the reports issued by respondent Nos. 4 & 5 of the test conducted on 26.05.2022, 21.06.2022 and 10.08.2022 under the Right to Information Act, by making application with respondent No. 3, but respondent No. 3 did not provide the said reports.

8. On all aforesaid grounds the applicants have prayed for directions against respondent Nos. 1 & 2 to issue appointments and joining orders in their favour for the post of Police Constable in Nagpur Police Recruitment 2019.

9. During pendency of both the OAs by way of amendment the applicants inserted the following contents in their respective applications as paragraph 12-A, which reads thus: -

“12-A) That, the present petitioners have preferred appeal against the report of respondent No. 3 (Annexure-“E”) in O.A. No. 960/2022 at page no. 25 and 26 before the Director of Sports and Youth Services, Pune (M.S.), the Director of Sports and Youth Services, Pune have cancelled and set aside the said report prepared by respondent no. 3, vide order dated 25/10/2023. The order dated 25/10/2023 is annexed herewith for kind perusal of this Hon’ble Tribunal and marked at Annexure “H”.

10. The applicants also by way of amendment added the following prayer as “A-1”, which reads as under: -

“A-1) By issuing or any other writ or direction to the respondent no. 1 and 2, and they directed to issue the appointment of joining order for the post of Police Constable in the Nagpur Police Recruitment 2019, pursuant to selections of the petitioners, and letter issued to the petitioners on dated 29/09/2022 and 29/10/2022 by the respondent no. 2 be stayed and cancelled.”

11. Respondent nos. 2 to 5 have filed their affidavits in reply in both the matters. Replies filed in both the matters are in verbatim same except the change in the names of the applicants. Respondent no. 02 in his affidavit in reply contended that skill test of the applicants was twice conducted by the Sports & Youth Directorate, Maharashtra State. It is

contended that opportunities were given to the applicants for showing their skill in Service, Forehand Shot, Back Hand Shot, Lob, Drive, Volley etc. and thereafter the Deputy Director of Sports & Youth Services, Aurangabad (respondent no. 03) submitted the report on 25.08.2022 regarding Squash game certificates of the applicants stating therein that the applicants could not demonstrate the required skill in the sport of Squash. It is further contended that on the aforesaid ground the applicants have been disqualified for selection under the sportsman category for the post of Police Constable and their selection has been cancelled. Respondent no. 02 has further stated that accordingly letters dated 29.9.2022, 29.10.2022 and 02.12.2022 were sent to the applicants through the Superintendent of Police, Beed. Respondent no. 2 on the aforesaid grounds has prayed for rejecting the Original Applications filed by the applicants.

12. Respondent no. 03 in his affidavit in reply has contended that the applicants were called upon to remain present in the office of respondent no. 03 on 26.5.2022 for ability test to play this Squash game. It is further contended that thereafter on 21.6.2022 and 10.8.2022 the applicants were again called at the office of the Director of Sports & Youth at

Shiv Chatrapati Krida Sankul, Mhalunge - Balewadi, Pune. Respondent no. 3 had admitted the fact of report submitted by respondent no. 4, as well as, respondent no. 5 of the skill tests conducted of the applicants. Respondent no. 3 has denied the allegation that he forwarded the false report to respondent no. 2. According to his contention, he forwarded the factual report to the office of respondent no. 3 stating therein that the applicants are not entitled for 5% reservation. The respondent no. 3 on the aforesaid grounds prayed for dismissing the O.As.

13. Respondent no. 4, as well as, respondent no. 5 in their respective replies have contended that the skill test of the applicants was conducted in their presence respectively on 26.5.2022 and 10.8.2022 and in the test so conducted they have certified that the applicants have good knowledge about the Squash game and the applicants can properly play the Service, Forehand Shot, Back Hand Shot, Lob, Drive, Volley etc.

14. Shri A.P.Shejul, learned Counsel appearing for the applicants vehemently argued that merely because respondent no.3 forwarded to respondent no.2 a false report to the effect that the skill test of the applicants was conducted by Sports and Youth Department on 10-08-2022 wherein the report is received that, the applicants cannot play Squash game and do

not possess required skill for the said game. Learned Counsel further argued that in fact the applicants were already possessing the sports validity certificate issued by the competent authority and there was no propriety in again asking them to give the skill test. Learned counsel further argued that in the skill test conducted on 26.05.2022, Shri Bharadwaj was nominated as the expert/Panch and Shri Satish Potdar, another expert was appointed as the Panch for the test conducted on 10.08.2022. Both the experts have duly certified that all the 03 applicants can play Squash game and possess the required skills to play the said game. Learned counsel submitted that despite reports as above given by respondent Nos. 4 & 5, respondent No. 3 forwarded a blatantly false report to respondent No. 2 informing that none of the applicants was noticed to be possessing the required skill for playing Squash game. Learned counsel submitted that because of the aforesaid reports, applicants have been deprived from appointments on the post of Police Constable. Learned counsel, therefore, prayed for direction against respondent No. 2 to issue in favour of the applicants the appointment orders by quashing earlier letter dated 29.09.2022 sent to applicant No. 1 in O.A. No. 960/2022, letter dated 29.10.2022 sent to applicant No. 2 in O.A. No.

960/2022 and the letter dated 02.12.2022 sent to the applicant in O.A. No. 952/2022.

15. Shri M.S. Mahajan, learned C.P.O. appearing for the respondent Nos. 1 to 3 reiterated the contentions raised in the affidavit in reply filed on behalf of the respondent Nos. 2 & 3. Learned C.P.O. submitted that despite giving opportunities to the applicants on 25.06.2022 as well as on 10.08.2022 to demonstrate their ability and skill to play the Squash game, since all the applicants failed in proving their skills in the squash game, respondent No.3 was constrained to forward to respondent No.2 the factual report in that regard. Learned C.P.O. submitted that under the directions of the Additional Director General of Police (Training and Special Squad), M.S., Mumbai, applicants were directed by respondent No.2 to get their Sports Certificates re-verified from proper authority and were, therefore, directed to approach respondent No. 3.

16. Learned C.P.O. further submitted that since the report was received to respondent No.2 from respondent No.3 that the applicants failed in demonstrating the requisite skill in playing the Squash game, respondent No.2 held the applicants ineligible for their appointments from Sports quota and accordingly cancelled the selection of the applicants. Learned

C.P.O. further argued that in the aforesaid circumstances no error can be found on the part of the respondents. He, therefore, prayed for dismissal of both the OAs.

17. We have duly considered the submissions made on behalf of the applicants, as well as the respondents. We have also perused the documents filed on record by the parties. As is revealing from the pleadings in the O.A. and as has been argued by the learned counsel for the applicants, the names of the applicants are included in the list of selected candidates, since the applicants succeeded in passing the written examination as well as field/ground test. Their selection has been cancelled based on the report forwarded by respondent No. 3 to respondent No. 2 in regard to the Sports certificates possessed by the applicants. Said report is dated 25.08.2022 which is at Exhibit 'E' in both these applications. As specifically mentioned by the applicants in their respective applications in clause 'D', said report has become the cause of action for the applicants to approach this Tribunal.

18. It is not in dispute that applicants had applied for the post of Police Constable in the Nagpur Police Recruitment, 2019 from Sportsman category. There is further no dispute that the applicants succeeded in passing the written

examination, oral examination as well as ground test and physical test. There is further no dispute that their names were included in the list of selected candidates. As mentioned in the letter dated 29.09.2022 addressed to applicant No.1 in O.A.No.960/2022 (similar letters were sent to applicant No. 2 in O.A. No.960/2022 and applicant in O.A. No.952/2022, respectively on 29.10.2022 and 02.12.2022), in view of the directions given by Additional Director General of Police (Training and Special Squad) M.S. vide his letter dated 14.01.2022, applicants were required to get their Sports certificates re-verified from the competent authority i.e. the Deputy Director of Sports and Youth, Aurangabad Region, Aurangabad. It is thus evident that appointments of the applicants on the post of Police Constable in the Police Recruitment 2019 Nagpur from the Sports quota were subject to and depending upon the re-verification of their Sports certificates.

19. Insofar as the validity of the Sports certificates of the applicants is concerned, there are rival contentions. All the applicants have claimed expertise and meritorious skills in playing the Squash game. It is not in dispute that all the 03 applicants possess the merit certificates in respect of the said

game. Applicants also possess certificates whereby their Sports certificates have been validated. However, as has been argued by the learned C.P.O. since certain complaints were received, Additional Director General of Police (Training and Special Squad) had issued directions for re-verification of the certificates (पुनर्पडताळणी). It is the case of the applicants that even in the said re-verification process they have proved their skills before the Panchas and as such, respondent No.3 was bound to re-validate their Sports certificates. As against it, it is the contention on behalf of respondent Nos. 2 & 3 that in the process of re-verification, applicants failed in demonstrating and proving their skills in playing Squash game, and hence, were disqualified from claiming the appointment from Sports quota and resultantly their selection from Sports quota has been cancelled.

20. As is revealing from the O.A. and the documents filed on record by the applicants the selection of the applicants has been cancelled by respondent No. 2 on the ground that the Sports certificates on the basis of which the applicants have been selected against the seats reserved for the Sports persons have not been re-validated by the competent authority. Orders dated 29.09.2000, 29.10.2000 and 02.12.2000 reveal that the

Sports certificates and verification certificates submitted by the applicants during the recruitment process were forwarded to the Deputy Director of Sports and Youth Services, Aurangabad Region, Aurangabad for re-verification (पुनर्वडताळणी) in view of the directions issued by Additional Director General of Police (Training and Special Squad), M.S., Mumbai, in his letter dated 14.01.2022.

21. The aforesaid orders issued by respondent No. 2 are sought to be quashed by the applicants on the basis of the decision rendered by the Director of Sports & Youth Services, M.S., Pune on 25.10.2023 in the appeal preferred by the applicants against the report dated 25.08.2022 forwarded by respondent No. 3 to respondent No. 2.

22. True it is that the report dated 25.08.2022 has been cancelled by the Director of Sports & Youth Services vide his order dated 25.10.2023, but cancellation of the said report cannot be interpreted to mean that the Sports certificates or the Sports verification certificates submitted by the applicants with respondent No. 2 during the course of recruitment process have been revalidated or shall be deemed to have been revalidated. The order dated 25.10.2023 has to be read as a whole. After having cancelled the report dated 25.08.2022 the Director of

Sports & Youth has given further directions to the Deputy Director of Sports & Youth to reverify the Sports certificates of the applicants in light of and considering the provisions under G.R. dated 01.07.2016 and 30.06.2022 and pass the necessary orders within 30 days from the date of the said order. Neither the applicants nor the respondents have brought on record the further information whether the Deputy Director has reverified the Sports certificates as directed by the Joint Director of Sports in his order dated 25.10.2023 and has whether submitted a fresh re-verification report.

23. The fact therefore, remains that the Sports certificates of the applicants have not yet been re-verified and no such report has yet been submitted to respondent No. 2.

24. In all these applications initially there was only one substantive prayer, whereby the applicants have sought the directions against respondent Nos. 1 & 2 to issue appointment and joining orders in favour of the applicants for the post of Police Constable in view of the selection of the applicants in Nagpur Police Recruitment, 2019. In view of the said prayer when we pursued the contentions raised in the OAs, it is apparently revealed that the applicants have not raised any objection against respondent No. 2. Applicants have not alleged

any error on part of respondent No. 2. It is also not the contentions of the applicants that respondent No. 2 has committed any illegality. All the allegations made by the applicants in their respective OAs are against respondent No. 3.

25. As we have noted hereinabove, it is the contention of the applicants themselves that their selection was kept on hold by respondent No. 2 on the basis of the letter issued by respondent No. 3. It has been argued on behalf of the applicants that respondent No. 3 submitted a false report to respondent No. 2 because of which their selection has been cancelled by respondent No. 2. It is thus evident that as per the pleadings in the OAs at the time of filing these applications, according to the applicants, the culprit was respondent No. 3 and the objection of the applicants was to the report submitted by said respondent No. 3, which according to them, was a false report. Having regard to the pleadings as such the applicants ought to have sought the direction against respondent No. 3 to re-validate the Sports certificates and the consequent direction could have been sought against respondent No. 2 in turn to issue the appointment orders. The sole prayer made in the OAs at the time of filing, thus, could not have been granted on the basis of the initial pleadings in the OAs and in absence of any

objection raised in regard to or against the order passed by respondent No. 2. It is not the case of the applicants that respondent No. 2 could not have asked the applicants to get the Sports certificates re-verified from the Deputy Director of Sports and submit the same before him.

26. No doubt, the applicants have subsequently added the following prayer by way of amendment.

“A-1) By issuing or any other writ or direction to the respondent no. 1 and 2, and they directed to issue the appointment of joining order for the post of Police Constable in the Nagpur Police Recruitment 2019, pursuant to selections of the petitioners, and letter issued to the petitioners on dated 29/09/2022 and 29/10/2022 by the respondent no. 2 be stayed and cancelled.”

27. In the aforesaid prayer the applicants have prayed for cancellation of order passed by respondent No. 2 stating that report, on the basis of which said order was passed, has been cancelled by the Joint Director of Sports & Youth Services while deciding the appeal filed by the applicants against the said order. The applicants have placed on record the order passed by the Joint Director of Sports & Youth Services on 25.10.2023,

as well as, the orders dated 29.09.2022, 29.10.2022 and 02.12.2022 passed by respondent No. 2.

28. Undoubtedly in the order dated 25.10.2023 the Joint Director of Sports and Youth Services, M.S., Pune, the first appellate authority, has cancelled the report dated 25.08.2022 submitted by respondent No. 3 to respondent No. 2. The copy of the said report dated 25.08.2022 has been filed by the applicants at the time of filing the OAs. Perusal of the said report reveals that vide the said report respondent No. 3 has informed respondent No. 2 that in the ability tests conducted by the authorities in the Sports & Youth Department of the Maharashtra State, it is revealed that the applicants do not possess the requisite skill and cannot play the Squash game. It has been argued on behalf of the applicants that on the basis of the said report respondent No. 2 has cancelled the selection of the applicants. It has been further argued that since the said report has been cancelled by the Joint Director of Sports, which is appellate authority, now there is no hurdle for respondent No. 2 to issue appointment orders by withdrawing his earlier order, whereby the selection of the applicants has been cancelled.

29. The submission so made on behalf of the applicants is difficult to be accepted. As noted by us hereinabove,

cancellation of the report dated 25.08.2022 cannot be interpreted to mean that the Sports certificates of the applicants have been re-validated by the competent authority. Unless the applicants produce the revalidated Sports certificates before respondent No. 2, the said respondent cannot be directed to issue the appointment orders to the applicants. If the applicants submit such certificates probably no orders be required against respondent No. 2 and said respondent is most likely to issue the appointment orders. Of-course if the respondent No. 2 declines or refuses to issue the appointment orders in favour of the applicants in spite of submission of revalidated Sports certificate by the applicants, certainly there would be a case for the applicants and in such circumstances such directions can be certainly issued against respondent no. 2 as has been claimed by the applicants.

30. We have noted hereinbefore that the Joint Director of Sports & Youth Services though has cancelled the report dated 25.8.2022 submitted by the respondent no. 3 to respondent no. 2 has given further directions in the same order to the Deputy Director of Sports and Youth Services to re-verify the sports certificates of the applicants in light of the G.Rs.

dated 1.7.2016 and 30.6.2022 and submit the fresh report in that regard.

31. We reiterate that it is not the case of the applicants that respondent no. 2 was not having the power or authority to direct the applicants to get their Sports certificates re-verified, or that the said order was illegal or arbitrary or without jurisdiction. The directions issued by the Additional Director General of Police (Training and Special Squad), M.S., Mumbai in his letter dated 14.01.2022 requiring the candidates selected in the Sports quota to get re-verified their Sports certificates on the basis of which the respondent No. 2 directed the applicants to get their Sports certificates re-verified, has not been challenged by the applicants. On the contrary, the applicants have followed the said order and have accordingly appeared for their ability test before the competent authorities.

32. In view of the fact that without submitting on record the re-verified Sports certificate the applicants cannot be given appointments against the seats reserved for Sports persons, unless such obligation is discharged by the applicants, no directions can be issued against respondent No. 2 to give appointments to the applicants.

33. In view of the facts elaborated above, no error can be found on part of respondent No. 2 in issuing the orders dated 29.09.2022, 29.10.2022 and 02.12.2022. As such, none of the prayers made by the applicants can be granted in their favour. **The Original Applications, therefore, deserve to be dismissed and are accordingly dismissed without any order as to costs.**

34. We however, wish to observe that it is still open for the applicants to appear before the Deputy Director of Sports and Youth Services i.e. respondent No. 3 and pursue their request for re-verification of their Sports certificates in light of the order passed by the Director of Sports and Youth Services on 25.10.2023 in the appeals filed by them. We have perused the said decision given by the Director of Sports & Youth Services. The learned Director has rightly cancelled the report dated 25.08.2022 forwarded by respondent No. 3 to respondent No. 2. During hearing of the present OAs the original record was called by us for our perusal. On perusal of the said record we have also reached to the same conclusion that the report submitted by respondent No. 3 on 25.08.2022 was liable to be cancelled. It has to be stated that the ability tests conducted on 26.05.2022 and 10.08.2022 in presence of the experts namely Shri Deepak Bharadwaj and Shri Satish Potdar, the applicants

were noticed to have proved their ability and skill to play the Squash game. Both the experts in their respective reports submitted to respondent No. 3 have certified that the applicants do possess the requisite skill to play the Squash game and that they are perfect Squash game players. The original record which we have perused contains the report submitted by Shri Satish Potdar on 01.09.2022. In the said report Shri Potdar has stated that the applicants whose ability test was conducted on 10.08.2022 were found perfect in Service, Forehand Shot, Back Hand Shot, Lob, Drive, Volley etc. Shri Potdar has specifically stated that the present applicants viz. S/Shri Siddheshwar Prabhakar Darade, Ashok Kedar Mule and Mangesh Balu Zore possess good knowledge of Squash game. The report submitted by Shri Deepak Bharadwaj is, however, not found in the original record. It is not in dispute that Shri Potdar was requested by respondent No. 3 to act as an expert for the ability test of the applicants to be conducted on 10.08.2022. Respondent No. 3 in his reply has not denied the fact of the report submitted by Shri Potdar on 01.09.2023. In the original record the report which is prepared and which was forwarded to respondent No. 2 there is no signature of Shri Potdar though his name is appearing below the said report. The said report is pertaining to the test conducted on 10.08.2022 in presence of Shri Potdar. It appears

to us that Shri Potdar must have declined to put his signature below the report which was incorrect and contrary to the observations made and the conclusion recorded by him. It further appears to us that when Shri Potdar was specifically invited at the time of conduct of the said ability test as expert and senior adviser for the said Sport, the opinion recorded by said expert person must prevail upon opinions of all others. Respondent No. 3 or other officers in the Sports and Youth Services have not assigned any reason for not agreeing with the opinion given by Shri Potdar. Learned Joint Director of Sports & Youth Services in his order dated 25.10.2023 has, therefore, rightly cancelled the report dated 25.08.2022 forwarded by respondent No. 3 to respondent No. 2. However, as we have noted hereinabove cancellation of the said report by the Joint Director of Sports & Youth Services would not mean that the Sports certificates and the Sports Verification Certificates of the applicants are revalidated. Perusal of the said order reveals that the Joint Director of Sports & Youth Services has directed respondent No. 3 to re-verify the Sports certificates of the applicants having regard to the findings recorded in the appeals and considering the provisions under G.Rs. dated 01.07.2016 and 30.06.2022. We reiterate that it is still open for the applicants to insist respondent No. 3 to discharge his obligation

as directed by the Joint Director of Sports & Youth Services in the order dated 25.10.2023. We further observe that as per the directions given by the Director of Sports & Youth Services in his order dated 25.10.2023 if respondent No. 3 submits a fresh re-verification report in respect of the Sports Certificates of the applicants to respondent No. 2, dismissal of the present OAs shall not be a bar for issuing appointment orders in favour of the applicants, if the Sports certificates of the applicants are revalidated/re-verified by the said authority.

35. Original record be handed over to the office of learned Chief Presenting Officer for returning the same to the concerned office by retaining Photostat copies of the said record.

MEMBER (A)

VICE CHAIRMAN

O.A.NO.22-2021(DB)-2024-HDD-D.E.