

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 563 OF 2014

DISTRICT : NANDURBAR

Tushar @ Tusharsing S/o Bapursing Rajput,)
Age : 20 years, Occu. : Nil,)
R/o : Gawaliwada, Near Santoshi Mata Temple,))
Nandurbar, Tq. & Dist. Nandurbar.)

.. **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
2. **Superintendent of Police, Nandurbar,**)
Tq. & Dist. Nandurbar.)
3. **Dy Superintendent of Police, Nandurbar,**)
Tq. & Dist. Nandurbar.)
4. **The Deputy Director Sports and Youth Service,)**
Nashik Division, Nashik.)
5. **The Joint Director Sports and Youth,)**
Maharashtra State, Pune.)

.. **RESPONDENTS**

APPEARANCE : Shri H.V. Tungar along with Shri V.P.
Raje, Advocate for Applicant.

: Shri B.S. Deokar, P.O. for respondent
Authorities.

CORAM : **Shri V.D. Dongre, Member (J)**
and
Shri Bijay Kumar, Member (A)

Reserved on : **02.03.2023**

Pronounced on : **13.04.2023**

ORDER**(Per : Shri Bijay Kumar, Member (A))**

1. This Original Application had been filed by one Shri Tushar @ Tusharsingh S/O Bapusingh Rajput on 10.10.2014; invoking provisions of Section 19 of the Administrative Tribunals Act, 1985, upon being aggrieved by impugned order issued by the Deputy Superintendent of Police, Nandurbar vide letter No. 101/आस्था/पो.भ./6637/2014, dated 04.09.2014, thereby, cancelling selection of the applicant for the post of Police Constable.
2. The applicant filed M.A. (St.) 368/2017 in O.A. No. 563/2014 on 11.09.2017 for grant of leave to add the Deputy Director, Sports & Youth Services, Nashik Division, Nashik as respondent No. 4 and the Joint Director, Sports & Youth Services, Maharashtra, Pune as respondent No. 5. This Miscellaneous Application was allowed vide Oral Order dated 15.12.2017.
3. The present application has not been pursued by the applicant with due diligence resulting into dismissal in defaults twice, condonation of delay in filing restoration application for restoration of the present O.A. as well as, condonation of delay in filing restoration application itself.; as elaborated as follows:-

(a) The present application had been first dismissed in default in serving notices on respondents, vide Oral Order dated 04.12.2015.

(b) For restoration of the present O.A., a Miscellaneous Application (St.) No. 1153/2016 in O.A. No. 563/2014 had been filed.

(c) As there was a delay of 162 days in filing restoration of O.A., another M.A. 229/2016 in M.A. (St.) No. 1153/2016 in O.A. No. 563/2014 was filed on 13.06.2016.

(d) However, both the M.A. No. 229/2016 and M.A. (St.) No. 1153/2016 in O.A. No. 563/2014 were dismissed in default vide Oral Order dated 14.10.2016.

(e) The applicant then filed yet another M.A. No. 420/2016 for restoration of M.A. No. 229/2016 which had been filed for condonation of delay in filing restoration M.A. (St.) No. 1153/ 2016 in O.A. No. 563/2014 which in turn was for restoration of the present O.A. No. 563/2014.

(f) M.A. No. 420/2016 in M.A. No. 229/2016 with M.A. (St.) No. 1153/2016 in O.A. No. 563/2016 was allowed by this Tribunal by Oral Order dated 12.01.2017 thus, M.A.

No. 229/2016 and M.A. (St). No. 1153/2016 both in O.A. No. 563/2014 stood restored. By Oral Order of 12.01.2017, M.A. No. 229/2016 and M.A. (St.) No. 1153/2016 both were allowed, thus O.A. No. 563/2014 was restored for further hearing.

(g) As the learned Advocates for the applicant were absent during final hearing scheduled on 18.09.2019, the present O.A. was dismissed in default for the second time. Learned Advocate for the applicant therefore, filed M.A. (St.) No. 345/2020, which was registered as M.A. No. 56/2021 in M.A. (St.) No. 346/2020 in O.A. No. 563/2014, on 25.02.2020 for condonation of delay in filing M.A. (St). No. 346/2020 for restoration of the present O.A. No. 563/2014. The M.A. (St.) No. 346/2020 too was filed on 25.02.2020. Both the M.A. No. 56/2021 and M.A. (St.) No. 346/2020 were allowed by this Tribunal by passing Oral Order dated 15.03.2022, thereby, restoring the present O.A. for final hearing.

4. **Facts of the Matter** :- Most of the basic facts in the matter are undisputed but the dispute is regarding applicability and

interpretation of government resolution in the present matter as detailed below :-

(a) District Superintendent of Police, Nandurbar had got a public notice No. 01/2014 issued in the month of April 2014, thereby, inviting applications from eligible candidates for the post of Police Constable for number of vacancies assessed as 155. Break up of vertical and horizontal reservations, educational qualifications, minimum qualifying norms for physical test, first and the last date of making online application, payment of fee, condition of availability of all eligibility certificates on or before the last date of online submission of application form was mentioned in the said Public Notice. *As the copy of said Public Notice is truncated, it is not possible to verify scheme of selection process including the terms & conditions for eligibility for claiming selection under sports category, except by referring to Government Resolutions issued in this respect.*

(b) Total number of vacancies and Vertical Reservation Category wise vacancy position under Sports Quota was published as depicted in TABLE –I given below :-

TABLE-I

Category	Open	S.C.	S.T.	VJ-A	VJ-B	VJ-C	VJ-D	SBC	OBC	Total
Sportsman	4	1	1	----	----	-----	----	-----	-----	6

(c) The applicant had applied for selection under Open Category (Sports Quota) and after selection process comprising of written and physical test, the applicant scored total 147 marks (61 marks in written test and 86 marks in physical test). Respondents published the selection list on 15.06.2014, subject to documents' verification. The name of the applicant appeared at serial no. 65 of this list and he appeared for documents' verification on given date i.e. 18.06.2014.

(d) Instead of appointment order, the applicant received impugned order dated 04.09.2014 by R.P.A.D. cancelling his selection for the post of Police Constable on the grounds stated in the letter; a copy of which is appended as Annexure A-7 at page 31 of the Paper-Book complete text of which is reproduced below for ready reference :-

“रजिस्टर पोष्टाने

पत्र

प्रति,

श्री तुषारसिंग बापुसिंग राजपुत,
गवळीवाडा, संतोषी मातेच्या मंदीराजवळ,
नंदुरबार

क्रमांक १०१/आस्था/पो.भ./६६३७/२०१४

नंदुरबार, दिनांक ४.०९.२०१४

संदर्भ-१) या कार्यालयीन पत्र क्रमांक १०१/आस्था/पो.भरती/४६८७/२०१४,
दिनांक २५.०६.२०१४

२) सह.संचालक, क्रीडा व युवक, महाराष्ट्र राज्य, पुणे यांचेकडील पत्र
क्रमांक खेआ-८१६८/१४-१५/१६६४/का-१५, दिनांक २७.०८.२०१४

विषय :- **नंदुरबार जिल्हा पोलीस भरती -२०१४**

पोलीस शिपाई पदाकरिता झालेली निवड रद्द करणेबाबत.

उपरोक्त संदर्भ व विषयान्वये कळविण्यात येते की, तुमची नंदुरबार जिल्हा पोलीस भरती - २०१४ मध्ये खेळाडू- खुल्या प्रवर्गातून पोलीस शिपाई पदी निवड करण्यात आलेली आहे. सदर पोलीस भरतीच्या वेळी तुम्ही सादर केलेल्या क्रीडा विषयक कामगिरीचे क्रीडा प्रमाणपत्र पडताळणीकामी या कार्यालयाकडील संदर्भीय क्रमांक १ अन्वये सहा.संचालक, क्रीडा व युवक, महाराष्ट्र राज्य, पुणे यांचेकडेस पाठविण्यात आले होते.

उपरोक्त पत्राचे अनुषंगाने सहा. संचालक, क्रीडा व युवक, महाराष्ट्र राज्य, पुणे यांनी शालेय शिक्षण व क्रीडा विभाग क्रमांक १) राक्रीधो-२००/प्र.क.६८/क्रीयुसे-२, दिनांक ३० एप्रिल २००५, दिनांक २१ जून २००६, १८ नोव्हेंबर २००६ (२) क्रमांक संकीआ-१००६/(प्र.क.१८२/०६)/क्रीयुसे-२, दिनांक ०६ मे २००८ (३) क्रमांक क्रीअसो-१९०८/(प्र.क.३९४/०८)/क्रीयुसे-२/ दिनांक २१ ऑगस्ट २००८ (४) संकीर्ण-३००८/(प्र.क.३६/०८)/क्रीयुसे-२, दिनांक ७ मे २०१३ (५) क्रीस्पर्धा-२१०८/(प्र.क.४४०/०८)/क्रीयुसे-२, दिनांक २० सप्टेंबर २०१३(६) राक्रीधो-२००२/प्र.क.६८/क्रीयुसे-२, दिनांक ३० डिसेंबर २०१३ अन्वये पडताळणी केली असता, श्री तुषारसिंग बापूराव राजपूत यांनी सादर केलेल्या प्रमाणपत्र दिनांक ११.०२.२०११ नंतरचे असून या कालावधी नंतर आय.ओ.ए. मार्फत संबंधित संघटनेस मान्यता नाही. यास्तव श्री. तुषारसिंग बापूसिंग राजपूत हे उमेदवार गट-अ/ब/क या पदाकरिता विहित केलेली खेळविषयक अर्हता पूर्ण करित नसल्याचे संदर्भीय क्रमांक २ वे पत्रान्वये या कार्यालयास कळविले आहे.

सबब सहा.संचालक, क्रीडा व युवक, महाराष्ट्र राज्य, पुणे यांचेकडील उपरोक्त संदर्भीय पत्रानुसार तुम्ही पोलीस शिपाई पदाकरिता विहित केलेली खेळविषयक अर्हता पूर्ण करित नसल्याने तुमची खेळाडू प्रवर्गातून पोलीस शिपाई पदी केलेली निवड रद्द करण्यात येत आहे.

पोलीस अधीक्षक, नंदुरबार
यांचे आदेशान्वये

सही/-
(गिरीष पाटील)
पोलीस उप अधीक्षक (मुख्यालय)
पोलीस अधीक्षक नंदुरबार करिता.

मार्फत - पोनि. नंदुरबार शहर पो.स्टे.

२/- मुळ प. श्री तुषारसिंग बापूसिंग राजपूत रा. गवळीवाडा, संतोषी मातेच्या मंदीराजवळ, नंदुरबार यांना अदा करावे. दुय्यम प्रतीवर त्यांची दिनांकीत स्वाक्षरी असलेली दुय्यम प्रत सत्वर या कार्यालयास परत करावी.”

(e) The gist of reasons given in the impugned communication dated 04.09.2014 for cancellation of

selection of the applicant read with associated facts mentioned in O.A. is being put up in analysis as follows:-

Sports Certificate of the applicant was sent to the Assistant Director, Sports & Youth Services, Maharashtra State vide letter No. 101/आस्था/पो.भरती/4687/2014, dated 15.06.2014 for scrutiny. Sports certificate of the applicant was of date after 11.02.2011, during which Tug of War Federation of India has not been recognized by Indian Olympic Association. Therefore, the applicant did not fulfil basic eligibility for being considered under sports quota on the basis of certificate issued by Maharashtra Tug of War Association affiliated to Tug of War Federation of India and his selection under sportsman category was being cancelled.

(f) The applicant had neither represented to higher authorities against the impugned communication issued by the respondent No. 3 under authorization from respondent no. 2; nor did he claim having exhausted alternative remedy available to him. However, now, it is too, to raise objection regarding admissibility of present O.A. on the ground of not availing alternative remedy before approaching this Tribunal and therefore, this issue is treated as closed.

(g) The applicant has contended that the respondent authorities should have considered clause no. A and B of

Government Resolution issued by School Education and Sports Department, Government of Maharashtra bearing No. राक्रीधो/2002/प्र.क्र. 68/ क्रीयुसे-2, मंत्रालय, मुंबई-३१, dated 30.12.2013, which they have not considered and therefore, the certificate issued by Maharashtra Tug of War Association may be treated as recognized by the Indian Olympic Association and the respondents be directed to issue appointment order in favour of the applicant.

(h) The learned Advocate for the applicant has also cited an order passed by this Tribunal in O.A. No. 579/2014, Raina d/o Bhanudas Shendge Vs. State of Maharashtra, pronounced on 04.03.2016 [CORAM:- Hon'ble Shri B. Majumdar, Vice Chairman and Hon'ble Shri J. D. Kulkarni, Member (J).

5. **Relief Prayed for:-** The applicant has prayed for relief in following terms which are reproduced verbatim for ready reference as below :-

“HENCE IT IS PRAYED THAT

- A) *This Original Application may kindly be allowed*
- B) *By issuing appropriate order or directions in the like nature, the order dated 4/9/2014 passed by the Dy Superintendent of Police, Nandurbar thereby cancelling the appointment of the applicant for the police constable in*

Nandurbar District may kindly be quashed and set aside and the order of appointment may kindly be issued in favour of the present applicant.

- C) *Pending the hearing and final disposal of this Original Application, the effect, operation and execution of the order dated 4/9/2014 passed by the Dy Superintendent of Police, Nandurbar thereby canceling the appointment of the applicant for the police Constable in Nandurbar District may kindly be stayed.*
- D) *Any other relief in law and justice to which the applicant is entitled may kindly be granted.”*

6. Chronology of Pleadings and Final Hearing :-

(a) In order to give reasonable opportunity to the contesting sides to the present O.A. the respondents in original application and the respondents added by amendment in title clause of this O.A. were duly served notice.

(b) Affidavit in reply on behalf of respondent No. 2 was filed on 10.08.2017 by learned Presenting Officer, which was taken on record, a copy thereof served on the other side. Affidavit in reply on behalf of respondent Nos. 4 & 5 was filed by learned Chief Presenting Officer on 14.08.2018 which was also taken on record and a copy thereof was served on the other side. In response, learned Advocate for the applicant had filed rejoinder affidavit on 24.09.2018

which too was taken on record a copy thereof served on the other side to the dispute. Sur-rejoinder was filed by learned presenting officer on 11.12.2018 which was taken on record and a copy of the same was provided to the learned Advocate for the applicant.

(c) The matter was, thereafter, fixed for final hearing on availability of Division Bench. The final hearing took place on 02.03.2023 and then the matter was reserved for orders.

(d) The two sides to the dispute mainly relied on relevant Government Resolutions. In addition, as mentioned in foregoing para also, the applicant has relied on the order passed by this Tribunal in O.A. No. 579/2014, Raina d/o Bhanudas Shendge Vs. State of Maharashtra, pronounced on 04.03.2016 [CORAM:- Hon'ble Shri B. Majumdar, Vice Chairman and Hon'ble Shri J. D. Kulkarni, Member (J)].

7. Analysis of Facts on Record and Oral Submissions

Made:-

(a) In is evident from facts on record, oral submissions made and order passed by this Tribunal in cited case that the dispute revolves around applicability and interpretation

of relevant provisions of three Government Resolutions listed below :-

- (i) *Clause 4 (C) of the Government Resolution No. राक्रीधो-2002/प्र.क्र. 68/क्रियुसे-2, मंत्रालय, मुंबई-३२, dated 20.04.2005 issued by the School Education and Sports Department, (in short, 'GR of 20.04.2005')*
- (ii) *Government Resolution No. क्रीस्पर्धा-2108/प्र.क्र.538/08/क्रियुसे-2, मंत्रालय, मुंबई-32, dated 14.07.2009 issued by the School Education and Sports Department, (in short, 'GR of 14.07.2209')*
- (iii) *Clause no. A and B of Government Resolution issued by School Education and Sports Department, Government of Maharashtra bearing No. राक्रीधो/2002/प्र.क्र. 68/ क्रीयुसे-2, मंत्रालय, मुंबई-३१, dated 30.12.2013, (in short, 'GR of 30.12.2013')*

(b) G.R. of 30.04.2005 outlines the scheme of providing 5% reservations in Government and semi-Government jobs for sports persons, whose performance in sports events of the prescribed type meets bench mark prescribed for Group (A), Group (B) and Group (C) & (D) posts. As the present O.A. is in respect of recruitment to the post of Police Constable, the eligibility benchmark criteria which is common for Group C & D posts will apply as outlined in Clause 4 (C) of the G.R. of 30.04.2005, which is quoted below for ready reference :-

“४) क्रीडाविषयक अर्हता

आरक्षित पदांवर नियुक्ती देण्यासाठी खेळाडूने क्रीडाविषयक क्षेत्रात खालीलप्रमाणे कामगिरी केलेली असावी :-

अ) गट-अ साठी अर्हता.....

(ब) गट-ब साठी अर्हता.....

(क) गट-क व ड साठी अर्हता

सदर पदांसाठी त्या त्या खेळांच्या वैयक्तिक अथवा सांघिक क्रीडा स्पर्धांमध्ये किमान राज्य अजिंक्यपद स्पर्धांत प्रथम, द्वितीय व तृतीय स्थान प्राप्त करणारा किंवा सुवर्ण, रौप्य किंवा कांस्य पदक प्राप्त करणारा खेळाडू.

राज्य अजिंक्यपद स्पर्धा या सदर खेळांच्या महाराष्ट्र ऑलिम्पिक असोसिएशनशी संलग्न असलेल्या अधिकृत राज्य संघटनेने आयोजित केलेल्या असाव्यात अथवा महाराष्ट्र ऑलिम्पिक असोसिएशनने स्वतः आयोजित केलेल्या असाव्यात. किमान प्राविण्यापेक्षा उच्च स्तरावरील क्रीडा प्राविण्य मिळविणा-या उमेदवारास प्राधान्य असावे. वैयक्तिकरित्या किंवा आमंत्रित स्वरूपाच्या स्पर्धांमध्ये भाग घेतलेल्या खेळाडूंचा यासाठी विचार करता येणार नाही.

राष्ट्रीय छात्रसेनेमध्ये (NCC) अंडर ऑफिसरची रॅक मिळवून राष्ट्रीय छात्रसेनेच्या राष्ट्रीय स्पर्धांमध्ये पदके प्राप्त केलेली व्यक्ति.”

(Emphasis supplied)

(c) G.R. of 14.07.2009 is as an addendum to Clause No. 4 (C) of the GR of 30.04.2005 and thereby, it only provides that any candidate meeting requirement of benchmark performance in sports event organized by State Sports Association which is not affiliated to Maharashtra Olympic Association but which is affiliated corresponding National Federation, affiliated in turn to Indian Olympic Association, shall also be eligible to get benefit of 5% reservation in government jobs. For accuracy and ready reference, operating part of G.R. of 14.07.2009 which is in Marathi, is quoted as follows :-

“: शासन निर्णय:

खेळाडू आरक्षणाबाबतच्या उपरोक्त दिनांक ३० एप्रिल, २००५ च्या शासन निर्णयाच्या परिच्छेद-४ (क) मधील “राज्य अजिंक्यपद स्पर्धा या सदर खेळांच्या महाराष्ट्र ऑलिम्पिक असोसिएशनशी संलग्न असलेल्या अधिकृत राज्य संघटनेने आयोजित केलेल्या असाव्यात अथवा महाराष्ट्र ऑलिम्पिक असोसिएशनने स्वतः आयोजित केलेल्या असाव्यात” या तरतूदीनंतर खालील तरतूद समाविष्ट करण्यात यावी :-

“तसेच ज्या खेळाची नोंदणीकृत राज्य संघटना त्यांच्या अधिकृत राष्ट्रीय संघटनेशी संलग्न असेल, तसेच सदर राष्ट्रीय संघटनेला इंडियन ऑलिम्पिक असोसिएशनने संलग्नता दिलेली असल्यास, अशा राज्य संघटनेच्या स्पर्धेतील राज्यस्तरीय विजेत्यांनाही खेळाडू आरक्षणाचा लाभ देण्यात येईल. त्यासाठी संबंधित राज्य संघटनेला महाराष्ट्र ऑलिम्पिक असोसिएशनची संलग्नता हा निकष अनिवार्य रहाणार नाही.”

३. उपरोक्त तरतूद खेळाडू आरक्षणाअंतर्गत निर्गमित झालेल्या व होणा-या सर्व शासन निर्णयांना लागू राहिल.

४. सदर शासन निर्णय महाराष्ट्र शासनाच्या संकेत स्थळावर (www.maharashtra.gov.in) उपलब्ध करण्यात आला असून त्याचा संगणक सांकेतांक क्रमांक-२००९०७१४१४४०१२००१ आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सही/-

(कि.शां.परब)

कक्ष अधिकारी, महाराष्ट्र शासन”

(d) G.R. of 30.12.2013 does not supersede G.R. of 20.04.2005, however, it deals with a special situation caused after de-recognition of 31 National Sports Federations by Indian Olympic Association. As 31 National Sports Federations were de-recognized by Indian Olympic Association vide their communication dated 11.07.2011; but, respective National Federation and State Sports Association did not disclose this information and sportsmen were misled to participate in sports events organized by such States Sports Association Affiliated to de-recognized National Sports Federation. This fact came to

notice of even the Authorities in the month of February 2013. As a result of which Sports Merit Certificates of a number of sports persons were treated as valid in scrutiny done prior to February 2013 and declared as invalid during scrutiny done after February 2013. In order to remove this anomaly GR of 30.12.2013 was issued. For ready reference, operating part of the GR dated 30.12.2013, which is covered by Clause 3 of the said G.R., is quoted as follows :-

“३. त्यामुळे खेळाडूंचे नुकसान होवू नये म्हणून व त्यांचे हित जपावे या दृष्टीने सध्या निर्माण झालेल्या परिस्थितीवर उपाययोजना करण्याची बाब शासनाच्या विचाराधीन होती :-

शासन निर्णय :-

इंडियन ऑलिंपिक असोसिएशन यांनी त्यांच्या ११ जुलै २०११ च्या पत्रान्वये ३१ राष्ट्रीय संघटनांच्या काढलेल्या मान्यतेच्या अनुषंगाने दि. ३० एप्रिल २००५ च्या शासन निर्णयातील खेळाडूंच्याबाबत पुढीलप्रमाणे कार्यवाही करण्याचा निर्णय घेण्यात आला आहे :-

अ) इंडियन ऑलिंपिक असोसिएशनने मान्यता काढलेल्या संघटनेने फेब्रुवारी २०११ नंतरच्या आयोजित केलेल्या स्पर्धांमध्ये प्राविण्य मिळविलेल्या ज्या खेळाडूंची प्रमाणपत्रे मान्यता नसल्याच्या कारणास्तव दि. ३१ डिसेंबर २०१३ पर्यंत अवैध ठरविण्यात आली आहेत त्या खेळाडूंना संघटनांना मान्यता नसल्याची बाब अवगत नसल्यामुळे त्या खेळाडूंच्या बाबतीत ज्या विभागात त्यांची निवड झालेली होती त्या विभागाने जर सदर प्रमाणपत्र दि. २८ फेब्रुवारी २०१४ पर्यंत पुनर्तपासणीसाठी क्रीडा संचालनालयास पाठविली तर त्याची क्रीडा संचालनालयाने त्यांना इंडियन ऑलिंपिक असोसिएशनची मान्यता आहे असे गृहीत धरून पुनर्तपासणी करून द्यावी. मात्र दि. १ मार्च २०१४ पासून खेळाडूंच्या प्रमाणपत्रांची पुनर्तपासणी करण्यात येणार नाही.

ब) तथापि, दि. १ जानेवारी २०१४ नंतर होणा-या नोकर भरती प्रक्रीयेतील ५ टक्के आरक्षणाअंतर्गत निवड झालेल्या खेळाडूंचे संबंधित विभागाकडून खेळाडूंचे प्रमाणपत्र तपासणीसाठी अर्ज क्रीडा संचालनालयास नव्याने प्राप्त होतील त्या अर्जांच्या बाबतीत दि. ३० एप्रिल २००५ च्या शासन निर्णयानुसार जी इंडियन ऑलिंपिक असोसिएशनच्या मान्यतेची तरतूद आहे ती लागू राहिल.

क्रीडा व युवक सेवा संचालनालयाने वेळोवेळी अधिकृत स्पर्धा व संघटनाची अदययावत माहीती त्यांच्या वेब साईटवर उपलब्ध करून देण्याची दक्षता घ्यावी.

क) वरील प्रश्न हा संबंधित राष्ट्रीय व राज्य संघटनांनी इंडियन ऑलिंपिक असोसिएशनची मान्यतेची बाब उघड न केल्यामुळे उद्भवला आहे. तसेच त्या संघटनाकडून खेळाडूंना मान्यता नसतांना अद्यापही इंडियन ऑलिंपिक असोसिएशनची मान्यता असल्याबाबत प्रमाणपत्रावर उल्लेख करून खेळाडूंना प्रमाणपत्र देवून त्यांची व शासनाची

फसवणूक करीत असल्यामुळे त्या संघटनांची महाराष्ट्र शासनाने दिलेली मान्यता का रद्द करण्यात येवू नये या बाबतची कारणे दाखवा नोटीस बजावण्यात यावी जर सदर प्राप्त खुलासा असमाधानकारण वाटल्यास त्या संबंधित राज्य संघटनेवर योग्य ती कायदेशीर कार्यवाही करण्यात यावी. तसेच यापुढे प्रमाणपत्रावर इंडियन ऑलिंपिक असोसिएशनची मान्यता असल्याचे नमूद करू नये, अशा सूचना संबंधित संघटनांना आयुक्त क्रीडा व युवक सेवा यांनी द्याव्यात.

ड) उपरोक्त बाब भविष्यात परत उद्भवू नये या करीता खेळाडूंनी ते सहभागी होणार असलेल्या खेळाच्या स्पर्धेची व संघटनेची अधिकृतता असल्याबाबतची खातरजमा करणे ही त्याची जबाबदारी राहिल.”

(e) Thus, it is evident that the G.R. dated 30.12.2013 mainly deals with a particular situation wherein a State Sports Association Affiliated to corresponding National Federation had organized Sports event and issue certificate of merit after 11.07.2011, i.e. after Indian Olympic Association had re-communicated the fact of de-recognition of some National Sports Federation, as a result of which the Sports Merit Certificates of Sportsmen issued by such State Sports Association or National Sports Federation were held to be invalid till 31.12.2013. In such cases, the adversely affected candidates were given relief of re-scrutiny of their sports merit certificate as per provision of clause 3(A) of the G.R. of 30.12.2013.

(f) In the present matter, the applicant had submitted three documents as sports certificates. First two are *Sports Participation Certificates* which do not qualify to be

considered under provisions of Clause 4 (C) of GR of 30.04.2005. Third document submitted by the applicant is the *Sports Merit Certificate*, which is regarding event held in the month of August 2013 i.e. before 31.12.2013. But, it is an admitted fact that the applicant had participated in recruitment process for the post of Police Constable initiated in the month of April 2014 i.e. after 31.12.2013; therefore, there is no question of applicant's sports merit certificate having been subjected to scrutiny during the year 2013 and getting declared invalid up to 31.12.2013. It is for this reason that the applicant is, in our considered opinion, not entitled to get benefits under Clause 3 (A) of GR of 30.12.2013.

(g) Based on admitted facts of the matter, applicant's case is covered by Clause 3 (B) of the GR of 30.12.2013. As the Merit Certificate held by the applicant had been issued by *Maharashtra Tug-of War Association* which is affiliated to Tug of War Federation of India which stood de-recognized during the period the Sports event in consideration had been organized. Therefore, the applicant does not get protection either under provisions of GR of 14.07.2009 or, under provisions of Clause 3 (B) of GR of 30.12.2013.

8. Conclusions:- On the basis of above analysis, in our considered opinion, it is amply clear that the *Maharashtra Tug-of-War Association* which is affiliated to and *Tug-of-War Federation of Indian* which in turn *de-recognizes by Indian Olympic Association* during the period the applicant claims to have obtained the certificate of merit. Therefore, the applicant is not entitled to benefits under provisions of Clause 4 (C) of G.R. of 30.04.2005 and also under the provisions of G.R. of 14.07.2009. Further, the recruitment process in which the applicant had participated in the instant matter has started after 01.04.2014; therefore, the applicant is also not entitled to benefits under provisions of G.R. of 30.12.2013. To conclude, the present Original Application is devoid of merit. Hence, the following order:-

ORDER

- (A) Original Application No. 563 of 2014 is dismissed for being devoid of merit.
- (B) No order as to Costs.

MEMBER (A)

MEMBER (J)