

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 1014 OF 2021**

DISTRICT : KOLHAPUR

Shri Ranjit M. Wadakar,)
Occ – Student, R/at : At Post Panori,)
Tal-Radhanagari, Dist-Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra)
Through its Chief Secretary,)
Mantralaya, Mumbai.)
2. The Secretary,)
Education of Sports,)
Government of Maharashtra,)
Mantralaya, Mumbai.)
3. The Commissioner,)
Sports & Youth Services, Pune.)
Government of Maharashtra,)
Pune 411 001.)
4. The Director,)
Sports and Youth Services,)
Pune.)
5. The Deputy Director,)
Sports and Youth Services,)
Kolhapur.)
Government of Maharashtra,)
Kolhapur.)

6. The Secretary,)
M.P.S.C, 5 1/2 , 7 & 8th floor,)
Cooperate Telephone Exchange Bld,)
M.K Marg, Mumbai 400 001.)
7. Kurash Association of India,)
6th floor, Vidyadhar Height,)
Garud Ganpati,)
Near Kulkarni Petrol Pump,)
Laxmi Road, Pune 411 030.)...**Respondents**

Shri R.G Panchal, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)
Mrs Medha Gadgil (Member) (A)

DATE : 13.01.2022

PER : Justice Mridula Bhatkar (Chairperson)

J U D G M E N T

1. The applicant prays that he be allowed to appear for the interview for the post of Assistant Civil Engineer in the reserved sports category, which is still going on.

2. The applicant has submitted the Certificate of playing Sports, namely, Kurash, which is one of Martial Arts. His Certificate is held invalid by the Respondents on the ground that it was not issued by the Association which is affiliated with the Indian Olympic Association or Maharashtra Olympic Association.

3. Admittedly, the Association, namely, Kurash Association of India, who has issued the Certificate to the applicant is not affiliated to the Indian Olympic Association or Maharashtra Olympic Association, though the Association is recognized Unit of Maharashtra Olympic Association. As per condition No. 3(A)(iv) & (v) of the G.R dated 1.7.2016, the Association who is going to issue the Certificate should have the affiliation with the Maharashtra Olympic Association when the said Association organizes the Sports Competition at State level.

4. Learned counsel for the applicant relying on the letter dated 11.7.2019 of Mr Rajendra Pawar, Deputy Secretary, School Education and Sports Department, submitted that this particular rule of the requirement of affiliation of the Association with the Indian Olympic Association or Maharashtra Olympic Association is relaxed, is not accepted.

5. We have gone through the noting dated 24.4.2019 by the Rajendra Pawar, Deputy Secretary, School Education and Sports Department, who has approved the submission that Sports, Kurash is to be included and 5% reservation is to be given in the Sports category. However, there is no approval of the Minister to that note. Further, no corrigendum or any G.R was issued by the State Government of relaxing the said condition of affiliation of the Association which has issued the Sports Certificate for Kurash.

6. It is difficult for us to accept that the conditions mentioned in the G.R can be relaxed by any order passed by the administrative authority. We make it clear that the G.R, which is issued in the name of His Excellency The Governor or orders which is issued in the name of His Excellency The Governor, is required to modify or substitute any portion or clause in the G.R.

7. Under such circumstances, we are of the view that no prima facie case is made out by the applicant to allow him to appear in the interview.

8. Hence, Original Application is dismissed.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 13.01.2022
Dictation taken by : A.K. Nair.