

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 216 OF 2020

DISTRICT : THANE

Sopan Vaman Thakare,)
Occ-Student, R/o: Matoshri Bungalow,)
Taloja MIDC Road, Near Gavdevi Mandir,)
Khoni, Pali, Tal-Ambarnath,)
Dist-Thane.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Principal Secretary,)
Home Department, Mantralaya,)
Mumbai 400 032.)
2. State of Maharashtra,)
Through Principal Secretary,)
School Education Department,)
Sports & Youth Welfare, Mantralaya)
Mumbai 400 032.)
3. Maharashtra Public Service)
Commission, 5 ½, 7th & 8th floor,)
Cooperage Telephone Bldg,)
M.K Road, Cooperage, Mumbai)
4. The Commissioner,)
Directorate of Sports & Youth)
Services, M.S, Shivchatrapati)

- Sports Complex, Mahalunge)
 Balewadi, Pune 411 045.)
5. Indian Body Builders Federation,)
 280/A, Jawalkar Mansion,)
 Dr B. Ambedkar Road, Parel,)
 Mumbai 400 012.)
6. Maharashtra Body Builders)
 Association, Slimwell,)
 Behind Victoria Church,)
 Shitaladevi Road, Mahim [W],)
 Mumbai 400 016.)...**Respondents**

Shri B.A Bandiwadekar, 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 : 21.04.2022

PER : Justice Mridula Bhatkar (Chairperson)

J U D G M E N T

1. The applicant pursuant to advertisement dated 20.2.2018 for the post of Police Sub Inspector has submitted the application in the Sports category. Four posts were reserved for Sport Category in the said advertisement.

2. Learned counsel for the applicant submits that the applicant has secured the award of "Thane Shree" in Body Building & Fitness in the year 2018. It was a State level championship. The

applicant passed the Preliminary Examination and was short listed for the Main Examination which was held on 25.10.2019. He cleared the Main Examination and the physical test and interview were scheduled on 27.1.2020 at Police Parade Ground, Head Quarters, Nasik. The applicant cleared the physical test and has secured 88 marks out of 100 marks. However, he was not allowed to appear for the interview on the ground that the documents are not verified by the concerned Department. On the same day, he was given the letter of rejection of his candidature.

3. Learned counsel for the applicant submits that the applicant filed Writ Petition No. 2157/2020 before the Hon'ble Bombay High Court challenging the said order of rejection of his candidature. The Hon'ble High Court by order dated 4.3.2020 directed the applicant to approach the Tribunal. Learned counsel for the applicant submits that the candidature of the applicant was rejected on the ground that the Sports Validation Certificate was not filed prior to the final date of submission of the application, i.e. 20.3.2018, and hence he was declared ineligible.

4. Learned counsel for the applicant submits that at the time of interview he was informed that the game Body Building & Fitness does not fall in the list of approved games for 5% reservation as per G.R dated 30.4.2005 and hence the Certificate is not valid.

5. Learned C.P.O submitted that the arguments of the learned counsel for the applicant are irrelevant, because the game Body Building & Fitness was never included in the list of games played at Olympic Games, Asian Games and Common Wealth Games and therefore, no valid Certificate can be given for the said game. Therefore, learned C.P.O submitted that the rejection of the candidature of the applicant is justified.

6. Considered the submissions of both the parties. For the purpose of claiming the benefit of 5% reservation in view of the G.R dated 30.4.2005, a game which is played by the candidate should have been included in the list of the said G.R. Admittedly, the game Body Building & Fitness is not the approve game and included in the list of G.R dated 30.4.2005. Therefore, the rejection of the candidature of the applicant is justified.

7. We, therefore, find no merit in the Original Application and the same stands dismissed.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 21.04.2022
Dictation taken by : A.K. Nair.