

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 442 OF 2013**

DISTRICT : DHULE

Sunil s/o Ramdas Aher,)
Occ : Nil, R/o: 60-B, Suyog Nagar,)
Wadibhokar Road, Deopur,)
Dhule, Dist-Dhule.)...**APPLICANT**

VERSUS

1. The State of Maharashtra,)
Through its Secretary,)
Finance Department,)
M.S., Mantralaya,)
Mumbai 400 032.)
2. The Commissioner of Sales Tax,)
M.S., Vikrikar Bhavan, Mazgaon,)
3. The Director,)
Youth & Sports Services,)
M.S., Central Building, Pune-1.)..**RESPONDENTS**

Shri A.S Deshmukh, learned Advocate for the Applicant.

Shri V.R Bhumkar, learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal, (Vice-Chairman)
Shri B.P Patil (Member) (J)**

DATE : 08.03. 2017

PER : Shri Rajiv Agarwal, (Vice-Chairman)

ORDER

1. Heard Shri A.S Deshmukh, learned Advocate for the Applicant and Shri V.R Bhumkar, learned Presenting Officer (P.O) for the Respondents.

2. The Applicant has filed this Original Application challenging the communication dated 23.1.2013 from the Respondent no. 3 holding him not eligible for appointment from Sports category in terms of G.R dated 30.4.2005.

3. Learned Counsel for the Applicant argued that Maharashtra Public Service Commission had issued advertisement on 10.8.2011 to fill up a total of 168 posts of Sales Tax Inspectors. 4 posts from open and 2 from OBC categories were horizontally reserved for Sports persons in terms of G.R dated 30.4.2005. For Group 'A' posts, a candidate who has represented India in an International tournament individually or as part of Indian team and obtained first, second or third place, is eligible to be considered for appointment from 5% Sports quota. The Applicant was part of India B-team in Second International Tug of War championship held in 2010 and that team was placed third. Learned Counsel for the Applicant argued that the Applicant was eligible to be considered for Group 'A' post

from Sports category and definitely for the post of Sales Tax Inspector, a Group 'B' post. The G.R specifies only that a candidate should have represented India and there is no restriction on the number of teams a country can send for an International tournament. The Applicant was fully eligible for consideration from OBC Sports category as per G.R dated 30.4.2005.

4. Learned Presenting Officer (P.O) argued on behalf of the Respondents that the Applicant had not represented India in the Second International Tug of War Championship-2010. He was part of India B team and is, therefore, ineligible to be given benefit of Sports category in terms of G.R dated 30.4.2005. Learned Presenting Officer stated that as per India Tug of War Competition Code-2012, a minimum of 4 teams per weight class are required for participation in World or Continental Championships. This code empowers Tug of War Federation of India to allow a club or State to send more than one team in a national or lower level competition. However, there is no provision for sending more than one national team to an International event. It is, thus, clear that Tug of War Federation of India had no authority to allow India 'B' team to participate in an International Championship. In any case, a country can have only one team in an international tournament. Any other team cannot be said to represent that country.

5. The only issue involved in this Original Application is whether a candidate, who did not represent as part of the main national team, can be said to have represented the country. It appears that in the 2nd International Gold Cup Championship held in 2010, four Countries participated, including India. However, India sent two teams. Under the Tug of War Federation of India Code, there is no provision to send more than one team in an International tournament by India. This is salutary provision, otherwise a team will not truly represent one particular country, if more than one team from one Country is allowed. The spirit of International competition is that each Country sends its best team. We are in agreement with the contention of the Respondents that members of India-B team cannot be said to be representative of the country. The decision of the Respondent no. 3 in holding that the Applicant was not eligible to be considered from Sports category in terms of G.R dated 30.4.2005 cannot be faulted.

6. Having regard to the aforesaid facts and circumstances of the case, this Original Application is dismissed with no order as to costs.

B.P. PATIL
(MEMBER. J)

RAJIV AGARWAL
(VICE-CHAIRMAN)

Date : 08.03.2017

Place : Aurangabad

Dictation taken by : A.K Nair