

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.569/2016.

(D.B.)

Ramnarayan Ramjanam Yadav,
Aged about 33 years,
Occ- Nil,
R/o Balaji Ward, Bavis Chowk,
Chandrapur.

Applicant.

-Versus-

- 1) The State of Maharashtra,
Through its Chief Secretary,
Department of Home,
Mantralaya, Mumbai-400 032.
- 2) The State of Maharashtra,
Through its Chief Secretary,
Department of Sports and Youth Welfare,
Mantralaya, Mumbai-400 032.
- 3) The Superintendent of Police,
Nagpur.
- 4) The Director of Sports and Youth Services,
(M.S.), Pune-1.
- 5) The Joint Director of Sports and Youth Services,
(M.S.), Pune-1.
- 6) The Maharashtra Throwball Association,
Through its President,
In front of Anand Talkies, Sitabuldi,
Nagpur.

- 7) Deepak Sudhakarrrao Jogekar,
Aged about Major,
Occ- Service,
R/o Raman Chandak Layout,
Dhantoli, Katol, Distt. Nagpur.

Respondents

Shri S.W. Sambre, the learned counsel for the applicant.
Shri M.I. Khan, the learned P.O. for the respondent Nos. 1 to 6.
Shri A.V. Mulay, learned counsel for respondent No.7.

Coram:-Shri Shree Bhagwan, Member (A)
and Shri A.D. Karanjkar, Member (J)

JUDGMENT

Per: Member (A)

(Delivered on this 21st day of February 2019.)

Heard Shri S.W. Sambre, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent Nos. 1 to 6. Shri A.V. Mulay, learned counsel for respondent No.7.

2. The respondent No.3 published advertisement dated 1.5.2014 (Annexure, A-2) to fill up 274 posts of Police Constables, out of which,13 posts were reserved for sportsmen. The applicant was possessing sportsmen certificate, therefore, he applied under sports quota. The applicant had participated in the State of Maharashtra 27th Senior State Level Throwball championship and acquired first position for which he was awarded certificate duly issued by the Maharashtra Throwball Association, Nagpur (Page 11, Annexure A-1. The applicant was selected and his sports certificate

was sent for verification by respondent No.3's office vide letter dated 5.7.2014 to the Respondent No.4 i.e. Director of Sports and Youth Services (M.S.), Pune (Page 49, Annexure R.3-1). The respondent No.5 i.e. the Joint Director of Sports and Youth Services (M.S.), Pune vide his letter dated 25.8.2014 at Pages 25 (Annexure A-7) clearly informed that the authority which issued the certificate was not recognized by the Government, therefore, the applicant was not entitled to apply under sports quota. The respondent No.3 vide letter dated 9.10.2014 (Annexure A-7) communicated this fact to the applicant and informed that he could not be appointed under sports quota and cancelled the selection of the applicant.

3. On perusal of record it appears that the respondent No.5 wrote a letter dated 20.6.2016 (A-11) to In charge Police Commissioner, Nagpur Rural, Nagpur and informed that the action of de-recognition of the sports authority was quashed by the court, and called information whether it was necessary to verify the sports certificate of the applicant and if it was necessary, then requested to forward original sports certificate. The S.P. Nagpur District (Rural) informed the respondent no.5 that as the selection of the applicant was cancelled and other candidate was appointed on the post it was not necessary to verify the sports certificate of the applicant.

This action of the S.P. Nagpur District (Rural) was absolutely illegal. We have perused Anx. A 6, it is judgment delivered by Hon'ble Bombay High Court, Nagpur Bench in W.P. No.3521/2014 delivered on 18.9.2014, it seems that the order passed by respondent no.4 derecognizing the Maharashtra Throw Ball Association was quashed by the Hon'ble High Court. In similar situation W.P.No.2169/2015, 2186/2015, 2187/2015 and 2189/2015 were filed by other aggrieved sportsmen, before Hon'ble Bombay High Court, Aurangabad Bench and it was held by the Hon'ble High Court that the action of the respondents was illegal and directed them to consider of the petitioners from sportsmen category on merit if, the vacancy exists.

4. In view of the judgments delivered by Hon'ble High Court we accept that the cancellation of the selection of the applicant is apparently illegal and it can't be justified. In the above situation we accept that the applicant is also entitled for the same relief which was given to the petitioners in the above discussed four writ petitions. Hence, we proceed to pass the following order:-

ORDER

- (i) The O.A. stands partly allowed in terms of prayer clause 8 (i) (ii) & (iii) if the vacancy still exists, it shall be subject to physical fitness of the applicant.
- (ii) No order as to costs.

(A.D. Karanjkar)
Member (J)

(Shree Bhagwan)
Member (A)

Dt. 21 .2.2019.

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