

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 117/2011**

Vishal Waman Bante,

R/o Khokarala, Tq. Bhandara,

Distt. Bhandara

2. Hemchandra Ramdas Kadav,

R/o Khokarala Tq. Bhandara,

Distt. Bhandara.

3. Vidhya Narayan Agase,

R/o Ranera , Tq. Tumsar,

Distt. Bhandara.

Applicant Nos 2 and 3 are deleted/amended

as per this Hon'ble Tribunal order

dt.23/2/2011

-----**Applicants.**

**Versus**

.1. State of Maharashtra,Through Secretary,

Home Department,M.S.Mantralaya, Mumbai.

2. The Director General of Police, Maharashtra State,

Mumbai.

3. The Superintendent of Police,

Bhandara, Tq. and Distt. Bhandara

4. The Director of Sports, Pune, Distt.

Pune

-----**Respondents**

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1. Shri S.R. Bhongade, Advocate for the applicant.

2. Smt. M.A. Barabde, P.O. for the respondents.

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**CORAM** :Hon'ble Shri Justice A.P. Deshpande : Vice -  
Chairman & Hon'ble Shri B. Majumdar : Member ( A )

**DATE** : 17/1/2013

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ORDERP E R : VICE-CHAIRMAN

Shri S.R. Bhongade, the ld. counsel for the applicant and Smt. Barabde, the ld. P.O. for the respondents. Taken up for final hearing at the admission stage, with the consent of the learned counsel appearing for the respective parties.

2. Heard.

3. The applicant had applied, in response to an advertisement issued by the R/3, for appointment to the post of Police Constable. The applicant had applied for the said post as a candidate belonging to OBC ( Sports Category) . The applicant was selected for the post of Police Constable from OBC ( Sports Category ) and his name was borne on the select list. The selection of the applicant was subject to scrutiny of the sports certificates at the hands of the Director of Sports, Pune- R/4. The sports certificates produced by the applicant were forwarded to the R/4 by the R/3. The 4<sup>th</sup> respondent

after examination and verification of the said certificates has rejected the same by holding the present applicant to be ineligible for claiming the benefit from the sports category viz. horizontal reservation. It is this order passed by the R/4 that has been challenged by filing the present O.A. It will not be out of place at this juncture to mention that consequent upon rejection of the sports certificates produced by the applicant, his selection has been cancelled.

4. In the submission of the Id. counsel for the applicant, the present recruitment process is governed by the recruitment rules published on 16/5/2006. Reliance is placed on Clause 6 thereof to contend that the applicant is eligible for being considered from sports category. The eligibility criteria reads thus :-

**Clause 6(B) (i)** " *Participation at International/National All-India Inter-University levels in any of the sports disciplines listed below. Participation at National level will include School Nationals, Sub-Junior Nationals ( Under-17 years ), Junior*

*Nationals ( Under-19 years ), Youth nationals ( Under-21 years ) and Senior Nationals.*

*( ii ) Medical winner at State level ( Inter- District ) Sports Tournaments in any of the sports disciplines listed below.*

**Sports disciplines**

- (1) Archery
- (2) Athletics and Cross Country
- (3) Aquatics
- (4) Badminton
- (5) Boxing
- (6) Basketball
- (7) Gymnastics
- (8) Handball
- (9) Kho-Kho
- (10) Judo
- (11) Kabbadi
- (12) Rowing
- (13) Lawn Tennis
- (14) Shooting
- (15) Weight Lifting
- (16) Table Tennis
- (17) Volleyball

- (18) Taekwondo
- (19) Wrestling
- (20) Hockey
- (21) Billiards and Snooker
- (22) Football
- (23) Karate
- (24) power Lifting
- (25) Body Building
- (26) Cricket
- (27) Kanoeing and Kayaking
- (28) Rugby

5. It is undisputed that Karate is one of the sports discipline mentioned in Clause 6, wherein the applicant had participated. For the purpose of adjudicating the issue raised before us, Clause 6 (1) (C) assumes importance. Clause 'C' reads thus :-

*" All certificates issued by recognized Sports Associations or Federations for competitions at State/All-India Inter-University /National/ International levels should be duly got verified from the Director , Sports and Youth Services, Maharashtra State, Pune or his representative in the district"*

6. It is thus crystal clear that only certificates issued by the recognised sports Associations or Federations holding the competition would count for the purpose of determining as to whether a given candidate is eligible to claim the reservation from sports category.

7. Turning to the facts of the present case, the learned counsel for the applicant has relied upon only one certificate certifying that the applicant had participated in 12<sup>th</sup> All India Funakoshi Cup Karate Championship held at Priyadarshini Sports Complex, Mulund ( W ), Mumbai on 18/2/2007 and was awarded a Silver Medal . The said competition was organised by the World Funakoshi Shotokan Karate Organisation . The status of the said organising body is mentioned in the letter head as Member -AIKF, Recognised by Govt. of India and Indian Olympic Association. The applicant has placed on record a certificate issued by the Indian Olympic Association dt. 2/3/2010, a copy of which is

filed at page 33 which goes to certify that Indian Olympic Association recognises the All India Karate -Do Federation . Thus what transpires is that the organisation which conducted the Karate competition , wherein the applicant had participated , is only a member of AIKF, which is recognised by the Indian Olympic Association. The said tournament was not organised by AIKF but was organised by one of the Members of AIKF . According to the Id. counsel for the applicant, an organisation which is recognised by an recognised association or federation needs also to be treated as recognised by the Indian Olympic Association, to conduct a tournament , meaning thereby not only a recognised body , but even a Member of the recognised body can hold the competition/tournament and issue certificate of merit/excellence and those certificates in turn would be valid and ought to be treated as having been issued by a recognised body. The respondents have filed an affidavit-in-reply stoutly contending that the body which conducted the tournament ,

wherein the applicant has participated, is not a recognised body and as such, the certificate produced by the applicant from the said body/association cannot clothe the applicant with status of a sports person entitled to reservation in the matter of appointment to the post of Police Constable. In our considered view, the association/body which conducted the competition wherein the applicant participated, is not a recognised body by either the Govt. of India or the Indian Olympic Association. Had the tournament been conducted by the AIKF, it would have been a valid competition, but the tournament in question having been conducted by a Member of AIKF, we do not find any fault on the part of the respondents in holding the applicant ineligible for claiming the benefit of sports reservation. As there is no merit in the O.A., the same stands dismissed, however with no order as to costs.

Sd/-  
(D. MAJUMDAR)  
Member (A)  
Skt.

Sd/-  
(A.P. Deshpande)  
Vice-Chairman.