

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR.

(A) ORIGINAL APPLICATION NO. 134/2011

Hemchandra s/o Ramdas Kadav
Aged 27 years, Occupation : Nil.
R/o : Khokarala, Tq. Bhandara
Dist. Bhandara.

Applicant

with

(B) ORIGINAL APPLICATION NO. 135/2011

Vidhya d/o Narayan Agase
Aged 22 years, Occupation : Nil
R/o : Ranera, Tq. Bhandara
Dist. Bhandara.

Applicant

- **Versus** -

- (1) The State of Maharashtra
Through Secretary,
Home Department,
Mantralaya, Mumbai -32.
- (2) The Director General of Police,
Maharashtra State,
Mumbai.
- (3) The Superintendent of Police,
Bhandara,
Tq. and Dist. Bhandara.
- (4) The Director of Sports & Youth Services,
Maharashtra State, Pune -1.

Respondents

Shri S. R. Bhongade, Advocate for the applicant in both O.As.
Smt M. A. Barabde, P.O. for the respondents in O.A. 134/2011
Shri A. M. Ghogare, P.O. for the respondents in O.A. 135/2011

**Coram :- The Hon'ble Shri Justice A. P. Deshpande,
Vice Chairman and
Shri. B. Majumdar,
Member(A)**

Dated :- January 17, 2013.

COMMON ORDER

Per : Member(A)

The applicants in these O.As are aggrieved that their claims for selection from the quota for sports persons for recruitment of Police Constables have been rejected.

2. An advertisement for recruitment of Police Constables was issued on 5-2-2010 by Superintendent of Police, Bhandara (R-3). Both the applicants came to be included in the select list under the category of sport persons. The certificates submitted by the applicants in support of their claim for consideration from the sports quota were sent to Director of Sports (R-4) by respondent no. 3. Respondent no. 4 rejected the claims of the applicants for eligibility as sports persons and consequently, respondent no. 3 issued orders holding them as ineligible for appointment. It is these orders which are challenged in the present O.As.

3. It is the grievance of the applicant in O.A. 134/2011 that he had won a medal in National Karate Championship in 2000 and a gold medal in 2009 and the same game is also in 28 recognized games as per the advertisement. Hence he has been wrongly disqualified from being considering for the selection from sports quota.

4. The applicant in O.A. 135/2011 submits that she had participated in National, State and District level competitions in Taekwondo and the District Sports Officer had verified her certificates and found her to be eligible for applying from the sports quota.

5. The respondents, by relying on the Maharashtra Police Constables (Recruitment) Rules, 2006 as published vide G.R. dated 16-5-2006, submit that in respect of the applicant in O.A. 134/2011, he had secured a gold medal in the 9th Annual Shotokan Karate Championship in 2000 organized by the Martial Arts Association of Tirora. The said national championship was not organized by a National Association affiliated to the Indian Olympic Association. The certificates of participation in other district, state and national level tournaments also did not meet the criteria laid down in the G.R.

6. In respect of the applicant in O.A. 135/2011, the respondents submit that she had merely participated in the National Open Taekwondo Championship, 2009. This was a individual championship and not a national championship and hence the prize that she has won, cannot be treated to be as a representative of the State. Hence, in both the cases, according to the respondents, the certificates submitted by the applicants are not in conformation with the provisions of the G.R. dated 16-5-2006. The respondents have filed an affidavit-in-reply contending that the body which conducted the tournament, wherein the applicant has participated, is not a recognized 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.

7. Shri. Bhongade, learned counsel for the applicant in O.A. 134/2011 relied on the certificate of the applicant's participation in the 9th Annual Shotokan Karate Championship-2000, organized by the Martial Arts Association of Tirora. There is also a certificate issued by the Gondia District Sports and Karate Do Association, Gondia, which is a member of the Maharashtra Karate Association affiliated to A.I.K.F., which is

recognized by the Government of India and Indian Olympic Association. According to the learned counsel, from these documents, it is clear that the said championship is organized by an Association which is a member of the Maharashtra Karate Association affiliated to A.I.K.F. which is recognized by the Indian Olympic Association. Thus, the said championship is held by an organization which is affiliated to the Indian Olympic Association.

8. In respect of the applicant in O.A. 135/2011, the learned counsel relied on the certificate which showed that the applicant had participated in the 6th National Open Taekwondo Championship, 2009 organized by the Taekwondo Association of Nanded in association with Taekwondo Association of Maharashtra and the Taekwondo Federation of India, the latter being affiliated to the Indian Olympic Association. From this certificate, according to the learned counsel, the championship has been organized by a body or association which is affiliated to the Indian Olympic Association.

9. In the light of the above, the learned counsel for the applicant submitted that an organization affiliated to an association or federation recognized by the Indian Olympic Association for conducting a tournament needs to be deemed to

be recognized by Indian Olympic Association. It means that not only a recognized body, but also a Member or affiliate of the recognized 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 recognized body.

10. In our considered view, the associations/bodies which conducted the competitions wherein the applicants participated are not bodies recognized by either the Government of India or the Indian Olympic Association. The Indian Olympic Association recognizes the All India Karate Do Federation (AIKF). Had the tournaments been conducted by the A.I.K.F., they would have been valid competitions, but the tournaments in question having been conducted by Members of A.I.K.F., we do not find any fault on the part of the respondents in holding the applicants in O.A. 134/2011 ineligible for claiming the benefit of sports reservation. Similarly, in case of the certificate submitted by the applicant in O.A. 135/2011, we find that there is nothing to show that the said national championship was organized by a body, which is directly affiliated to the Indian Olympic Association or that the applicant had represented the State for the competition at the national level. As there is no

merit in these O.As, the same stand dismissed, however, with no orders as to cost.

Sd/-

(B. Majumdar)
Member (A)

Sd/-

(Justice A. P. Deshpande)
Vice Chairman

ayw/-