

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.1009 OF 2015

(O.A. No.98 of 2013 – Aurangabad Bench)

DISTRICT : HINGOLI

Shaikh Sajeed Rahemtullah,)
Age 24 years, occ. Nil, R/o Quarter No.300,)
SRP Group No.3, Jalna, District Jalna)..Applicant

Versus

1. The State of Maharashtra,)
Through CPO, MAT, Mumbai)
2. The Commandant,)
State Reserve Police Force, Group No.12,)
Hingoli, District Hingoli)
3. The Special Inspector General of Police,)
Nagpur Range, Nagpur)
4. The Director of Sports & Youth Services,)
M.S., Central Building, Pune 411 001)
5. The District Sports Officer, Hingoli)..Respondents

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Shri A.S. Deshpande – Advocate for the Applicant

Smt. K.S. Gaikwad – Presenting Officer for the Respondents

CORAM : Shri Rajiv Agarwal, Vice-Chairman
Shri R.B. Malik, Member (J)

DATE : 3rd February, 2016

PER : Shri Rajiv Agarwal, Vice-Chairman

J U D G M E N T

1. Heard Shri A.S. Deshpande, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This OA has been filed by the Applicant who is seeking appointment as Armed Police Constable in Maharashtra State Police Constable Recruitment – 2011 on the establishment of State Reserve Police Force Group No.12, Hingoli.

3. Learned Counsel for the Applicant argued that the Respondent No.2 had issued an advertisement on 30.9.2011 for recruitment to the post of Armed Police Constable. A total of 232 posts were advertised. 5% of the posts were horizontally reserved for sports person. The recruitment was to be made in terms of the Maharashtra Police Constables (Recruitment) Rules, 2011. Rule 8 of these rules provides that the terms and

conditions governing reservation in sports category will be as prescribed in GR dated 30.4.2005. However, the advertisement issued by the Respondent No.2 had an appendix which had listed 28 games in which first, second or third place at national or State level championship would have qualified a person to be considered for appointment from sports category. The advertisement did not refer to GR dated 30.4.2005. Learned counsel for the Applicant contended that the advertisement had wrongly stated that proficiency in one of the 28 games listed in annexure to the advertisement was required. In fact, the list of games in GR dated 30.4.2005 is much longer. The Applicant participated in the selection process and was asked to produce documents, including sports certificate. Learned Counsel for the Applicant contended that the Applicant submitted all certificates, including the certificate of participation in All India Inter University Boxing Tournament, 2010 which would have been sufficient under the Maharashtra Police Constables (Recruitment) Rules, 2006, upon which the advertisement dated 30.9.2011 is based. However, these rules were replaced by 2011 rules by notification dated 16.6.2011, and hence the 2011 rules are applicable in the present case. The Applicant had submitted a certificate as Winner (first place) in 19th Senior Maharashtra State Throw ball Championship - 2006. This certificate was not accepted by the Respondent No.5, at the time of scrutiny of the documents stating that it was not admissible as per the advertisement dated 30.9.2011, as Throw

ball was not included in the list of recognized sports. Though the Applicant's name was in the select list from sports category, his sports certificate, which was regarding participation in All India University Boxing Championship, was not found valid. The Applicant had other sports certificates in his possession, which were not accepted by the Respondent No.5 as they were not for a sports as per advertisement dated 30.9.2011. The Applicant made a representation to the Respondent No.2 on 29.12.2012, wherein he requested that his State Level Championship Certificate may be considered and forwarded to the Respondent No.4 for verification. Learned counsel for the Applicant stated that the Respondent No.2 had accepted State Level Sports Certificate of one Shri V.N. Bagwale and the same was sent to the Respondent No.4 for verification on a later date. The Applicant was denied similar treatment. Learned counsel for the Applicant argued that his certificate at Exhibit D-3 may be considered, which will make him eligible to be considered for appointment as Police Constable from the sports category.

4. Learned Presenting Officer (PO) argued on behalf of the Respondents that the Applicant, at the time of scrutiny of documents, submitted sports certificate regarding his participation in All India Inter University Boxing Championship 2010 at Varanasi. On the basis of this certificate, he was found not eligible to be considered from sports quota in terms of Maharashtra Police Constables (Recruitment) Rules, 2011 and

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GR dated 30.4.2005 which provides that a candidate should have obtained first, second or third rank in a State Level/National Level authorized championship. Mere participation was not adequate. Learned PO stated that the Applicant did not submit certificate of being winner in the 19th Senior Maharashtra State Throw ball Championship held in 2006 at the time of scrutiny of documents. He is making baseless claim that District Sports Officer had returned the same to him as it was not in accordance with the advertisement dated 30.9.2011. Learned PO argued that a certificate, submitted subsequently cannot be considered.

5. We find that the Respondents No.1 to 3 have not denied that the advertisement dated 30.9.2011 had given wrong list of sports, which appears to be as given in Rule 6 of the Maharashtra Police Constables (Recruitment) Rules, 2006. This rule below 6(1)(B), has a list of 28 sports. The same list is reproduced in the instructions for sports category candidate, which is at page 21 of the paper book. In para 8 of the OA, it is stated that:

“8. The Applicant says that, in furtherance of the Advertisement Notification at Exhibit ‘A’, especially with reference to the sportsmen category, R-5 conducted the selection process as per Maharashtra Police (Recruitment) Rules, 2006 and accordingly has received the certificate of various sports events from the candidates concerned.”

6. In the affidavit in reply of the Respondents No.1 to 3 dated 8.7.2013, it is stated in para 9 that:

“(9) As regards para no.8 of the application I say and submit that applicant submitted Exh.D-2 and D-3 after cancellation of his selection, as per report received from the Director of Sports and Youth Services, Maharashtra, Pune i.e. R-4.”

7. There is no denial that the advertisement dated 30.9.2011 has listed sports as per 2006 rules while as per 2011 rules, sports listed in GR dated 30.4.2005 were relevant for the selection. The Applicant claims that he had tendered sports certificate of Throw ball to the Respondent No.5, who was verifying sports certificate during verification of documents. The respondents are denying this and claim that he had produced only one certificate which was held invalid by the Respondent No.4. We do not want to get into this controversy. From the material on record, it is quite clear, that though the advertisement dated 30.9.2011 mentioned that the recruitment for sports persons was to be as per 2011 rules, the list of eligible sports was as per 2006 rules, which did not include sport of Throw ball. This sport is included in GR dated 30.4.2005 in the list of sports recognized by Indian Olympic Association. Had the Applicant known that this sport is a

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by Indian Olympic Association. Had the Applicant known that this sport is a recognized/eligible sport, he probably could have produced the certificate of that sport at the time of scrutiny, even if his claim that he actually tendered such a certificate at that time is discounted. In the interest of justice, it would be necessary that the certificate Exhibit D-3 is examined to determine whether the Applicant was eligible to be considered from sports category for appointment as Police Constable.

8. The Respondent No.2 is directed to forward the sports certificate of the Applicant as winner in 19th Senior Maharashtra State Throw ball Championship held in November, 2006, copy of which is at Exhibit D-3 in this OA, to the Respondent No.4 within a period of four weeks from the date of this order. The Respondent No.4 should send his report whether the Applicant was eligible to be considered for appointment from sports category, to the Respondent no.2 within a further period of four weeks. If the Applicant is found eligible, he should be given appointment order by the Respondent No.2 within a further period of four weeks, subject to his being found fit in all respects. This OA is disposed off accordingly with no order as to costs.



(R.B. Malik)
Member (J)
3.2.2016



(Rajiv Agarwal)
Vice-Chairman
3.2.2016

Dictation taken by: S.G. Jawalkar.

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