IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.544 of 2015

Shri Abhimanyu Arjunalal Yadav,)
Aged 23 years, Occ. Nil)
R/o. Godama Niwas, Kalikurti, Jalna.)
Address for service of Notice :)
Shri A. V. Bandiwadekar, having office at 9,)
"Ram-Kripa", Lt.Dilip Gupte Marg, Mahim,)
Mumbai 400 016.)**...Applicant**

Versus

1. The Director of Sports & Youth Services,)
(M.S.), Pune, Pune-1.

2. The Commissioner of Police, Thane,)
Having office at Thane.)

3.The State of Maharashtra, through Principal)
Secretary, School Education & Sports)
Department, Mantralaya, Mumbai 400 032.) **...Respondent**

Shri Arvind V. Bandiwadekar, learned Advocate for the Applicant.
Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Shri A.P. Kurhekar, Member-J
Smt. Medha Gadgil, Member-A

PER : Shri A. P. Kurhekar, Member-J

DATE : 17.08.2021.

J U D G M E N T

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.

2. In this O.A., the Applicant has challenged the order dated 08.12.2014, passed by the office of Respondent No.2- Commissioner of Police, Thane whereby the candidature of the Applicant for the post of Police Constable from Sports Category stands cancelled in view of invalidation of his Sports Certificate by Respondent No.1 – Director of Sports & Youth Services, M.S. Pune.

3. The Applicant has participated in the recruitment process of 2014 for the post of Police Constable from Sports Category. He had participated in Power Lifting organized by Kalyan Block, Power Lifting Association in between 16 to 18 November, 2012. He secured first position in Power Lifting. The certificate was issued by Maharashtra Power Lifting Association, Nagpur which claims to be an affiliated unit of Indian Power Lifting Association. However, when the certificate was forwarded to Respondent No.1 for validation, the said authority by order dated 28.10.2014 invalidated the Sports Certificate stating that it is of the period onward February 2011 i.e. after Indian Olympic Association cancelled the recognition of the said sports.

4. During the course of hearing, learned Counsel for the Applicant has brought on record one important subsequent development in the form of G.R. dated 19.01.2017 whereby following decision has been taken by the Government.

" शासन निर्णय:-

इंडियन ऑलिम्पिक असोसिएशनने त्यांच्या दिनांक ११ जुलै, २०११ च्या पत्रान्वये ३१ राष्ट्रीय संघटनांच्या काढलेल्या मान्यतेच्या अनुषंगाने पुढील प्रमाणे कार्यवाही करण्यात यावी :-

अ) इंडियन ऑलिम्पिक असोसिएशनने दिनांक ११ फेब्रुवारी २०११ पासून मान्यता काढलेल्या अधिकृत राष्ट्रीय संघटनांनी व अशा अधिकृत राष्ट्रीय संलग्नता/राज्य स्पर्धेमध्ये सहभाग घेऊन प्राविण्य प्राप्त करणा-या खेळाडूंची ५% खेळाडू आरक्षणातंर्गत विविध विभागामार्फत संचालनालयास पडताळणी करण्याकरिता प्राप्त होणारी, क्रीडा प्रमाणपत्रे पडताळणी करताना, संबंधित खेळाच्या राष्ट्रीय संघटनेस इंडियन ऑलिम्पिक असोसिएशची मान्यता आहे, असे गृहित धरून पडताळणी करून दयावी.

ब) तथापि, अशा मान्यता काढलेल्या राष्ट्रीय संघटनांद्वारा व त्यांनी संलग्नता दिलेल्या राज्य संघटनांनी दिनांक १ जानेवारी, २०१४ पासून आयोजित करण्यात येणा-या राज्य/राष्ट्रीय क्रीडा स्पर्धांची क्रीडा प्रमाणपत्रे पडताळणी करताना दिनांक १ जुलै, २०१६ च्या शासन निर्णयाच्या तरतुदी लागू राहतील.

क) सदर शासन निर्णय खालील प्रकरणी लागु राहीलः-

१. दिनांक ०१ ऑगस्ट २०१६ पुर्वी शासन सेवेत खेळाडूंच्या ५ टक्के आरक्षणांतर्गत निवड झालेल्या खेळांडूचे प्रमाणपत्र, संबंधित नियुक्ती प्राधिकरणाकडून,क्रीडा व युवकसेवा संचालनालयास प्राप्त झाल्यास सदर प्रमाणपत्रांची पुर्नपडताळणी करुन देण्यात येईल.

२. दिनांक ११ फेब्रुवारी, २०११ ते दिनांक ३१ डिसेंबर, २०१३ दरम्यान राष्ट्रीय /राज्य स्पर्धेमध्ये सहभाग घेऊन प्राविण्य प्राप्त केलेल्या खेळाडूंच्या आगामी प्रमाणपत्र पडताळणीच्या प्रस्तावांकरीता व त्या अनुषंगाने आयुक्त, क्रीडा व युवकसेवा संचालनालय/संबंधित विभागीय क्रीडा उपसंचालक यांच्याकडे, ५ टक्के खेळाडू आरक्षणांतर्गत प्रमाणपत्र पडताळणीच्या प्रलंबित प्रकरणासंदर्भात लागू राहील.''

5. In view of the said G.R. dated 19.01.2017, learned Counsel for the Applicant submits that the Respondent No.1 is now required to reconsider the Sports Certificate of the Applicant afresh. In this behalf, he further referred to the decision rendered by this Tribunal in O.A.No.699/2016 & 818/2016 decided by this Tribunal on 23.02.2017 whereby directions were given to reconsider the Applicant's case in view of fresh G.R. dated 19.01.2017 and to take necessary decision in the stipulated period.

6. As such, in view of G.R. dated 19.01.2017, Respondent No.1 is under obligation to reconsider the Applicant's case afresh and thereafter necessary steps will have to be taken by the Respondent No.1 as the case may be.

7. Indeed, the Applicant was required to make representation on the basis of G.R. dated 19.01.2017 which he did not make since O.A. is already filed in 2015 and during the pendency of O.A. only G.R. has been issued.

8. Therefore, it would be appropriate to give liberty to Applicant to make representation to Respondent No.1 so that the Respondent No.1 can again examine the matter afresh in terms of G.R. dated 19.01.2017 and thereafter necessary steps about the candidature of the Applicant shall be taken by the Respondent Nos.2 and 3.

9. In view of above, O.A. is disposed of with following directions :-

(A) The Applicant shall submit his representation to Respondent No.1 within three weeks from today requesting the said authority to reconsider his case in terms of G.R. dated 19.01.2017.

(B) If any such application is made within three weeks from today, the Respondent No.1 shall decide the same afresh taking note of G.R. dated 19.01.2017 and shall pass appropriate order thereon within two months from the date of receipt of the representation and the decision thereon shall be communicated to the Applicant within two weeks thereafter.

(C) The decision shall be also communicated to Respondent Nos.2 and 3 and thereon Respondent Nos.2 and 3 shall take further necessary action regarding appointment of the Applicant to the post of Police Constable if he found otherwise eligible.

(D) No order as to costs.

Sd/- **Sd/-**

(MEDHA GADGIL)
MEMBER (A)

(A.P. KURHEKAR)
MEMBER (J)

Date : 17.08.2021
Place : Mumbai
Dictation taken by : VSM
Vaishali Santosh Mane

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