IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

ORIGINAL APPLICATION NO.809 OF 2017

DISTRICT : MUMBAI

Shri Vicky Ashok Pathare.)
Age : 31 Yrs, Occu.: Nil, R/o. Near Savatamali)
Temple, Jadhavwadi, Chikhali, Pimpri, Pune.)...Applicant

Versus

1) The Commissioner of Police,)
Mumbai (Railways), Having Office at)
Mumbai.

2) The Additional Director)
General and Inspector General of Police)
(Training and Special Unit) in the Office)
of Director General and Inspector)
General of Police, (M.S.) Mumbai,)
Having Office at Old Council Hall,)
Shahid Bhagatsingh Marg,)
Mumbai - 400 039.)

3) The Director of Sports and Youth Services)
(M.S.), Pune, Having office at Pune-1.)

4) The State of Maharashtra.)
Through Principal Secretary,)
Sports and Youth Services Department,)
Having office at Mantralaya,)
Mumbai-32.)...**Respondents**

Mr. A.V. Bandiwadekar, Advocate for Applicant.

Ms. S.P. Manchekar, Chief Presenting Officer for Respondents.

CORAM : Shri Justice A.H. Joshi, Chairman

Shri P.N. Dixit, Member (A)

RESERVED ON : 31.10.2018

PRONOUNCED ON : 19.11.2018

PER : Shri Justice A.H. Joshi, Chairman

JUDGMENT

1. Heard both sides. Perused record annexed to O.A..

2. This Tribunal has decided Original Application No.610/2017 and Original Application No.204/2018. In those O.As, effect and legality of condition contained in Para/Rule 4(v) of Government decision dated 01.07.2016 requiring that the candidates must possess Certificate of Validation of Sports before last date fixed for submitting application was considered. The same point is agitated in present O.A. Therefore, reiteration of finding in that regard is not required.

3. Now, it is necessary to advert to the facts of present case, which are as follows:-

a) Subject matter relates to recruitment to the post of Police Constable.

b) **01.07.2016:-** Government of Maharashtra issued a Government decision dated 01.07.2016. By the said Government decision, all earlier policy decisions have been superseded, and this Government decision prescribes a condition, *denovo*, that whenever recruitment process commences, the candidate must possess on or before last date fixed for submitting application the certificate of Verification of Participation in Sports Activity.

c) **23.02.2017:-** Recruiting Authority had issued Advertisement inviting applications.

d) **20.03.2017** is the last date fixed for submitting application.

e) **14.03.2017** is the date when present Applicant had applied for production of Verification of Certificate of Participation in Sports Activity.

f) **19.04.2017** is the date on which Verification Certificate was issued to the Applicant.

4. Applicant's candidature has been declined/rejected because Applicant did not possess Verification Certificate of Participation in Sports Activity.

5. Though this Tribunal has taken a view in O.A. No. 610/2017 and 204/2018 that the condition is imposed in Para/rule 4(v) contained in Govt. decision dated 01.07.2016 results in denial of opportunity in the matter of consideration for public employment. This Tribunal has also taken view that action of the Government taken through said Para 4(v) without reasonable and fair notice to candidates results in failure to give adequate notice to the candidates and this results in prejudice to the candidates.

6. From the facts narrated in foregoing Para No.3, it is evident that Applicant has failed to apply for verification within reasonable time, because he had applied about 19 days after advertisement and 11 days before last date.

7. Had it been a case that Applicant had applied within close proximity of the date of Advertisement, some latitude could have been shown to the Applicant.

8. In relation to Applicant's failure to secure or possess the Validation Certificate though some delay may be attributable to Government on account of failure to give fair and reasonable notice to the candidates, the conduct of Applicant is not without fault.

9. It is not a case that Applicant's request/application for verification was pending for long time, and therefore, Applicant could not have been blamed for his inability to secure the Certificate of Validation.

10. In the result this Tribunal finds that, the Applicant is not entitled for any relief whatsoever.

11. The Original Application does not have any merit and is dismissed with no order as to costs.

Sd/-	Sd/-
(P.N. DIXIT)	**(A.H. JOSHI, J.)**
Member-A	**Chairman**

Mumbai
Date: 19.11.2018
Dictation taken by:
S.K. Wamanse.

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