

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 429 OF 2017

DISTRICT: - AURANGABAD.

Krushna S/o Laxman Basar,

Age : - 22 years, Occu: Educated
un-employed, R/o. At post Charatha,
Tq. & Dist. Beed.

.. APPLICANT.

V E R S U S

- 1. The State of Maharashtra,**
Through the Secretary School
Education and Sports Department,
Mantralaya, Madam Cama Road,
Mumbai – 400 032.
- 2. Jr. Director,**
Sports & Youth Services,
Maharashtra State, Pune.
- 3. Dy. Director,**
Sports & Youth Services,
Aurangabad Div., A'bad.
Divisional Sports Stadium,
Garkheda, Aurangabad.
- 4. The Commander,**
State Reserve Police Force,
Gut No. 14 (IRB),
Satara Parisar, Aurangabad.

.. RESPONDENTS

APPEARANCE : Shri F.R. Tandale – learned Advocate
for the applicant.

: Shri S.K. Shirse – learned Presenting
Officer for the respondents.

CORAM : **JUSTICE M.T. JOSHI, VICE CHAIRMAN**
AND
: **SHRI ATUL RAJ CHADHA, MEMBER (A)**

DATE : **25TH OCTOBER, 2018**

ORDER**[Per : Justice M.T. Joshi, V.C.]**

1. By the present Original Application the applicant is claiming the following reliefs: -

B) The impugned letters issued by the Respondent No. 3 dated 15.06.2017 and the impugned letters dated 02.08.2017 and 04.09.2017 issued by respondent no. 2 and impugned letter issued by the res. No. 4 dated 14.06.2017 and 19.06.2017 be quashed and set aside, and the respondent no. 2 and 3 authorities be directed to issue validity certificate of sport certificate to the applicant and consequent to this respondent no. 4 authority be directed to appoint applicant on the post of "Sashastra Police Sheepai", by issuing writ or order."

2. The present applicant has participated in the selection process for the post of Sashastra Police Sheepai conducted by respondent No. 4, Commander, vide advertisement dated 24.2.2017, Exhibit 'D', page-36. He applied from the reserved category for sports persons, as one post was available as per the advertisement, from open category. The applicant claims that he is eligible for consideration / selection from that category as he stood 2nd in Tug-of-War Championship held by

Maharashtra State between 20th and 22nd July, 2012 (Exhibit 'F', page-59). The applicant had successfully undergone the process of written, as well as, physical test and he was called to place the documents for verification. As per the rules the applicant was required to get sports certificate verified from respondent No. 3. The applicant could not get this verified from respondent No. 3 within time. However, within 4 days i.e. on 15.6.2017, the respondent No. 3, Verifying Authority, refused to validate the certificate on the ground that in view of G.R. dated 1.7.2016 the Sport event Tug-of-War is not included in Olympic, Asian, Commonwealth competition. In the circumstances, the applicant is challenging the said decision in the present Original Application.

3. The respondents opposed the plea. They submitted that though in the G.R. dated 30th April, 2005, Exhibit 'N', page-76 the event Tug-of-War was approved for consideration in 'C' and 'D' category employee reservation, vide the subsequent G.R. and more particularly vide G.R. dated 1.7.2016, Annexure 'C', page-23, all the earlier GRs were repealed. It is provided by the said G.R. that only events, which are pleaded as detailed above, would be approved, the applicant's sports certificate cannot be validated.

4. Upon hearing both the sides, in our view, there is no merit in the present O.A. and the same requires to be dismissed for the following reasons: -

REASONS

(i) The certificate of merit, Exhibit 'F', page-59 would show that the applicant stood 2nd in Tug-of-War Championship held by the Maharashtra State Tug-of-War Championship event. The G.R. dated 30th April, 2005, Exhibit 'N', page-76, would show that for 'C' and 'D' category employment, the candidate who had secured 1st, 2nd & 3rd rank in State Level Championship, would be eligible for consideration in the said reservation category (page-82, even 23). However, the G.R. dated 1.7.2016, Exhibit 'C', page-23, clearly declares that G.R. dated 30.4.2005 is repealed and in its place new conditions are prescribed. At page-24 we have schedule 'A' to the said G.R. giving the details. Admittedly, the event Tug-of-War does not fit in the said conditions as the Tug-of-War is the event, which is not being played in Olympic Sports, Asian Games, Commonwealth Sports, as required by this G.R.

(ii) In the advertisement itself the respondents have given all these details at page-42. It was made to known to the candidates that the criteria for sports category reservation would be as per the G.R. dated 1.7.2016 and Annexure 'A' annexed thereto.

(iii) As the G.R. dated 30th April, 2005 was repealed and at the time of issuing the advertisement and carrying the

selection process, the G.R. dated 1st July, 2016 was holding the field, invalidation of sports certificate of the applicant by respondent No. 3 cannot be called as illegal one.

5. Shri F.R. Tandale, learned Advocate for the applicant vehemently made oral submissions, as well as, filed written notes of arguments. He submitted that the intention of the Government Resolution dated 1st July, 2016 or other GRs was merely to clarify the procedure and, therefore, the list of the events in the G.R. dated 30th April, 2005 would still hold the field. The plain reading of all the GRs however, would show that this G.R. dated 30th April, 2005 is expressly repealed. Not only this, but even the annexures to the G.R. dated 30th April, 2005 is replaced by new annexures to the G.R. dated 1st July, 2016.

6. In that view of the matter, the present Original Application is hereby dismissed without any order as to costs. Interim relief granted by this Tribunal by an order dated 1.7.2017 stands vacated.

MEMBER (A)

VICE CHAIRMAN

PLACE : AURANGABAD

DATE : 25th OCTOBER, 2018