

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.622/2021**

**DISTRICT:- JALGAON**

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Arjun S/o. Rajebhau Deshmukh (Gawali),  
Age : 26 years, Occ. Student,  
R/o. Nandgaon (Dudhana), Tq. Jintoor,  
Dist. Parbhani.

**...APPLICANT**

**V E R S U S**

1. The State of Maharashtra,  
Through the Secretary,  
Revenue & Forest Department,  
Mantralaya, Mumbai-400 032.
2. The President District Selection Committee/  
District Collector, Jalgaon, Dist. Jalgaon.
3. Member Secretary District Selection Committee/  
Residential Deputy Collector, Jalgaon  
Dist. Jalgaon.

**...RESPONDENTS**

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APPEARANCE : Shri C.V.Dharurkar, Advocate  
holding for Shri R.V.Gore, Advocate  
for the Applicant.  
: Shri M.S.Mahajan, Chief Presenting  
Officer for the respondents.

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**CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN  
AND  
SHRI VINAY KARGAONKAR, MEMBER (A)**

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**Decided on: 12-01-2024**

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**O R A L O R D E R**

1. Heard Shri C.V.Dharurkar, learned Counsel  
holding for Shri R.V.Gore, learned Counsel for the  
Applicant and Shri M.S.Mahajan, learned Chief Presenting  
Officer for the respondent authorities.

2. Present applicant had applied for the post of Talathi in pursuance of the advertisement dated 27-02-2019 issued by respondent no.2. Such an application was submitted online on 06-03-2019. The applicant had applied for the seat reserved for SEBC (Sports). The applicant appeared for the written examination and secured 154 marks out of 200. It is the contention of the applicant that from SEBC (Sports) category other 2 candidates also had received same marks i.e. 154. In the circumstances, the candidate who was eldest in age, namely, Shri Dnyaneshwar Rameshwar Kabir was recommended to be appointed and next person elder in age to the applicant, namely, Shri Yogesh Bharat Kale was shown at Sr.No.1 in SEBC waiting list. Present applicant was shown at Sr.No.2 in the waiting list of SEBC.

3. It is the further contention of the applicant that since the selected candidates namely Shri Dnyaneshwar Rameshwar Kabir and wait list-1 candidate Shri Yogesh Bharat Kale both were not issued with appointment orders since at the time of documents verification it was revealed that criminal prosecution was pending against Shri Kabir whereas Sports Certificate submitted by Shri Kale was

found not valid. In the circumstances, present applicant was called for documents verification on 10.10.2019. It is the contention of the applicant that on the date of documents verification he produced on record Sports Certificate issued in his favour dated 17.06.2016 as well as verification of the said certificate dated 04.07.2016. Respondents, however, refused appointment to the applicant and removed his name from the waiting list stating that certificate produced by the applicant was not in the format as was prescribed as per the G.R. dated 01.07.2016 as well as, as mentioned in the advertisement dated 27-02-2019. Aggrieved by the said rejection, the applicant has approached this Tribunal.

4. Shri Dharurkar, learned Counsel appearing for the applicant submitted that the respondents have rejected the candidature of the applicant on a frivolous ground ignoring the core fact that the applicant had secured 3<sup>rd</sup> position in the State level Fencing Competition held in the year 2008-2009 at Nashik. Learned Counsel further submitted that merely because the certificate and the verification of the said certificate are not exactly in the format as prescribed in the advertisement and/or as per the provisions under the G.R. dated 01-07-2016, the

respondents could not have rejected the candidature of the applicant. Learned Counsel further submitted that the fact of the applicant securing 3<sup>rd</sup> position in the State level Fencing Competition held at Nashik in the year 2008-2009 has not been denied or disputed by the respondents. Learned Counsel submitted that, subsequently the applicant has submitted the relevant certificates in the format also. Learned Counsel, therefore, prayed for setting aside the order or rejection passed by respondent no.2 and consequentially to direct the respondents to issue the order of appointment in favour of the applicant.

5. Respondent nos.1 to 3 have filed their joint affidavit in reply thereby resisting the contentions raised and the prayers made in the O.A. Respondents have contended in their affidavit in reply that the applicant did not submit the valid sports certificate issued by the competent authority i.e. Deputy Director of Sports and Youth Services, Aurangabad when in the advertisement the said condition was expressly mentioned. It is further contended that as per clause 3 of the G.R. dated 11-03-2019, valid sports certificate issued by the competent authority is mandatorily required to be produced by the applicant concerned. It is further contended that

the applicant was not possessing the valid sports certificate issued by the competent authority i.e. the Deputy Director of Sports and Youth Services, Aurangabad at the time of filling the application form for the post of Talathi. It is further contended that the certificates which the applicant has produced are issued in the year 2021, which impliedly means that on the date of filling in the application form, the applicant was not possessing the said certificate. According to the respondents, the applicant ignored and failed to observe the guidelines issued by the State for the selection process vide G.Rs. dated 01-07-2016, 10-10-2017 and 11-03-2019. In the circumstances, according to the respondents no case has been made out by the applicant. Respondents have, therefore, prayed dismissal of the O.A.

6. We have duly considered the submissions made on behalf of the applicant as well as the respondents. We have also perused the documents placed on record. The applicant had applied for the said post in pursuance of the advertisement published on 27-02-2019. For the candidates applying for the seats reserved for Sports persons, the following compliance is mandated. We deem it appropriate to reproduce hereinbelow the said clause as it is, which reads thus (p.b.page 27):

“९). शैक्षणिक अर्हता:—

खेळाडू उमेदवारांसाठी आवश्यक अर्हता:—

३. खेळाडूंसाठी आरक्षणाबाबत क्रिडाविषयक अर्हता ही शासन निर्णय दि.१ जुलै २०१६ तसेच शासन शुध्दीपत्रक दि.१० ऑक्टोबर २०१७ नुसार ग्राह्य धरण्यात येईल. शासन निर्णय दि.१ जुलै २०१६ मधील तरतुदीनुसार अर्जासोबतच क्रिडा विषयक प्रमाणपत्राची संबंधीत विभागीय उपसंचालक क्रिडा व युवक कल्याण यांचेकडील पडताळणी प्रमाणपत्र जोडणे बंधनकारक राहिल. वरील शासन निर्णय तसेच दि. १५ नोव्हेंबर २०१७ च्या शुध्दीपत्रकासोबतच्या परिशिष्टात नमूद क्रिडा प्रकार व योग्यता व अर्हता खेळाडूंनी धारण करणे आवश्यक आहे.”

7. In the G.R. dated 01-07-2016 the following provisions is there in regard to submission of the sports certificate. Said clause is 4(v), which reads thus (p.b.page 70):

“४. सर्वसाधारण अर्हता:—

(v) खेळाडू उमेदवारांनी अर्ज करण्यापूर्वीच सुधारीत तरतुदीनुसार विभागीय उपसंचालक यांचेकडून खेळाच्या प्रमाणपत्राची पडताळणी करून घेणे आवश्यक आहे. त्यामुळे खेळाडू उमेदवाराने अर्जासोबतच विभागीय उपसंचालक यांनी क्रीडा प्रमाणपत्र योग्य असल्याबाबत व खेळाडू कोणत्या संवर्गासाठी पात्र ठरतो याबाबत प्रमाणित केलेले प्रमाणपत्र जोडणे आवश्यक राहिल.”

8. The applicant on the date of making application was possessing certificate dated 17-06-2016/01-07-2016 in Form 3-A issued by the Joint Director of Sports and Youth Services, Maharashtra State, Mumbai. It is certified in the certificate that the applicant represented the School State Level Fencing Championship 2008 held at Nashik and further that obtained 3<sup>rd</sup> position as an individual in the said Championship. The aforesaid certificate has been

verified by the office of Directorate of Sports and Youth Services under the signature of its Joint Director. The certificate is at Page 51 of the paper book, whereas the verification certificate is at Page 49 of the paper book of O.A.

9. As has been argued on behalf of the applicant prior to G.R. dated 01-07-2016, G.R. dated 30-04-2005 was holding the field. In the said G.R. as per clause 14 thereof the Director, Sports and Youth Services, Maharashtra State Pune was named as an authority to verify the sports certificate issued in favour of the sports persons. As per clause 3 of the said G.R., certificates in regard to the achievement of the Sports persons were to be issued under the prescribed form i.e. form nos.1 to 4 appended to the said G.R. and certificate which applicant has produced is under form-3. As mentioned earlier, such certificate has been verified by the Director of Sports and Youth Services as provided under clause 14 of the said G.R.

10. In the G.R. dated 01-07-2016, whereby G.R. dated 30-04-2005 has been modified, the sports certificate is required to be verified by the Regional Deputy Director of Sports. The applicant has placed on record the sports

certificate issued by District Sports Officer, Nashik on 30-08-2021 thereby certifying that the applicant in the State Level School Fencing Competition has obtained 3<sup>rd</sup> position. The applicant has also placed on record the certificate dated 31-08-2021 wherein the Deputy Director, Sports and Youth Services, Aurangabad Region, Aurangabad has verified the sports certificate issued in favour of the applicant for participating in the State Level Fencing Competition held in the year 2008-2009 and for securing individual 3<sup>rd</sup> position in the said tournament.

11. Respondent no.2 has rejected the candidature of the applicant vide its communication dated 11-10-2021 on the ground that the applicant did not submit along with his application the verification certificate issued by Regional Deputy Director, Sports and Youth Services. It is averred in the said letter that the as per the G.R. dated 01-07-2016 r/w. corrigendum dated 10-10-2017, the sports reservation will be given to the candidates who hold the sports certificate as mentioned therein.

12. Having considered the entire facts and circumstances involved in the present matter, it appears to us that, rejection of the candidature of the applicant is on



too technical ground. We reiterate that it is not the case of the respondents that the certificate submitted by the applicant is false or bogus. It has been rejected only on the ground that the verification certificate is not under the signature of Deputy Director, Sports and Youth Services.

13. As we have noted hereinabove, subsequently the applicant has also produced on record the verification certificate under the signature of the Deputy Director, Sports and Youth Services. The Deputy Director of Sports and Youth Services has also certified that the applicant secured 3<sup>rd</sup> individual position in the State level Fencing Competition held in the year 2008-2009 at Nashik. In the circumstances, it appears to us that to reject the candidature of the applicant on the aforesaid ground though he is substantially complying with the necessary conditions prescribed, would be unjust and unfair. The State has taken the decision of reserving certain number of posts for the sports person with a laudable object that the sports persons who show their skill in the National as well as State level competition shall not face problem of livelihood.

14. For the reasons stated above, we are inclined to allow the present O.A. by setting aside the

impugned order dated 30-08-2021 as well as communication dated 11-10-2021 issued by respondent no.2. Hence, the following order:

ORDER

[i] Impugned order dated 30-08-2021 and communication dated 11-10-2021 issued by respondent no.2 are quashed and set aside.

[ii] The respondents shall consider the applicant for his appointment on the post of Talathi, if he is otherwise eligible and if there is no other legal impediment for his appointment from SEBC (Sports) quota. This exercise be completed within 12 weeks from the date of this order.

[iii] The Original Application stands allowed in the aforesaid terms, however, without any order as to costs.

**(VINAY KARGAONKAR)**  
**MEMBER (A)**

**(P.R.BORA)**  
**VICE CHAIRMAN**

**Place : Aurangabad**  
**Date : 12-01-2024.**