

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 699 of 2017 (D.B.)**

- 1) Amol Bhaskar Pawar,
aged about 21 years, Occ. Unemployed,
Sant Dnyaneshwar Ward, Rithe Colony
Hinganghat, Dist. Wardha.
- 2) Pandurang Devidas Yelne,
aged about 23 years, Occ. Unemployed,
at Post Kushari, Mohagaon (Devi),
Tq. Mohadi, Dist. Bhandara.
- 3) Shivprasad Nivrutti Khillare,
aged about 25 years, Occ. Unemployed,
Umra S. Hamshoddin, Tq. & Dist. Washim.

Applicants.**Versus**

- 1) The State of Maharashtra
through it's Secretary,
School Education & Sport Department,
Mantralaya, Mumbai.
- 2) The Secretary,
Home Department, Mumbai.
- 3) The Director,
Directorate of Sports & Youth Services,
State of Maharashtra, Pune.
- 4) The Deputy Director,
Directorate of Sports & Youth Services,
Nagpur Region, Nagpur.
- 5) The Commissioner of Police,
Nagpur.
- 6) The Chairman,
Regional Police Selection Board,
Nagpur City, Nagpur.

Respondents.

A.A. & Mrs. M.A. Syed, Advocates for the applicants.

Shri A.M. Khadatkar, learned P.O. for the respondents.

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J) and
Hon'ble Shri Shree Bhagwan, Member(A).**

JUDGMENT

(Delivered on this 27th day of April,2018) PER : VC (J).

Heard Shri A.A. Sayyad, learned counsel for the applicants and Shri A.M. Khadatkar, learned P.O. for the respondents.

2. The applicants are claiming that the final select list, if any, issued by the respondent nos. 5 and 6 be quashed and set aside and the respondents be directed to consider the applicants' claim and select them for the post of Police Constable under sports category and suitable action be taken against the Deputy Director, Directorate of Sports & Youth Services, Nagpur Region, Nagpur (R/4) for intentionally delaying the verification certificate in lieu of bribe of Rs. 10,000/-.

3. From the facts of the case, it seems that the applicants in response to the advertisement dated 24/02/2017 published by respondent no.5 applied for the post of Police Constable. The applicants were interested for direct recruitment to the post under 5%

sports quota. It is stated that the applicants have applied for verification of the sports certificate through Deputy Director, Directorate of Sports & Youth Services, Nagpur Regional Nagpur in between 15/03/2017 to 20/03/2017, but inspite of repeated request, their claim was not considered by the Deputy Director, Directorate of Sports & Youth Services, Nagpur Region Nagpur (R/4) and the Commissioner of Police, Nagpur (R/5) and the respondent no.4 asked for a bribe of Rs.10,000/-. The applicants therefore approached the Hon'ble High Court. The Hon'ble High Court however was pleased to direct the applicants to approach the Tribunal.

4. The respondent no.3, the Director, Directorate of Sports & Youth Services, State of Maharashtra, Pune and the respondent no.4 the Deputy Director, Directorate of Sports & Youth Services, Nagpur Region, Nagpur denied the allegations and submitted that in all 49 applications were received for verification of sports certificate as on 15/03/2017. The applicants, however, did not file the application within stipulated period and they themselves were responsible for negligence in not getting the certificate. It is stated that the last date of submission of online application was 20/03/2017 and therefore the certificate should have been verified and submitted on or before 20/03/2017. The candidates who could not produce the certificate

duly verified from the competent authority on or before the last date of submission of certificate, i.e., 20/03/2017, have not been selected and therefore they cannot claim the reservation.

5. The learned counsel for the applicants has placed reliance on the Judgment in Writ Petition No. 5122/2017 delivered by the Hon'ble High Court of Judicature at Bombay on 28/04/2017. In the said case, the Hon'ble High Court has observed in para nos. 6&7 as under :-

“6. Issue before us is that since the entire selection process for the President Police Recruitment 2017 has been completed and the provisional selection list is declared, the petitioner is likely to lose his selection though he has scored 74% marks.

7. Considering the above and keeping in view that the provisional selection list has been declared, we direct the Petitioner to file a representation with Respondent No.1 on or before 3rd May, 2017. If such a representation alongwith the copies of the necessary documents are furnished by the Petitioner to Respondent No.1, we expect that Respondent No.1 shall consider the said representation by conducting due scrutiny, as may be deemed fit and proper, so as to decide the claim of the petitioner before finalization of the selection list. ”

6. In the present case also it is not disputed that the applicants have applied from sports category and were possessing

requisite sports certificate. The question only is that the said certificate has not been produced, duly verified by the respondent no.4, i.e., the Deputy Director, Directorate of Sports & Youth Services, Nagpur. The allegations regarding demanding bribe of Rs.10,000/- by the Deputy Deputy Director, Directorate of Sports & Youth Services, Nagpur are vague. However, from the reply-affidavit filed on behalf of the respondents, it seems that 49 applications for verification of sports certificate were received by the competent authority on or before about 15/03/2017. It seems that the applicant Shri Amol Pawar has filed the application on 13/03/2017, applicant Shri Pandurang D. Yelane filed the application 04/03/2017, applicant Shri Shivprasad N. Khillare filed the application on 16/03/2017 and admittedly their certificates were duly verified in the month of April. As against this, the candidates who submitted the certificates for verification on or about 15/03/2017 have been granted sports certificates prior to the applicants and now only on the ground that the applicants have not produced the certificates prior to the cut off date and therefore they cannot be selected is the only ground for not considering the applicants.

7. We have perused the advertisement Annex-A-1, page nos. 20 to 34 (both inclusive). As regards certificate to be produced, it is stated in para no. 19 (v) as under :-

“(v) [kGMwv kj {k.k&

*mi jkDr uem 'kkl u fu.kz krhy i jPNn 2 ud kj xV d deþkjh fuoMhl kBh fdMkfo" k; d vgrk [kkyhy i æk.ks vkgs R; kud kj [kGMw oxkru vkj {k.kpk ykHk ?ks; kl kBh menokjkus dMk fo" k; d vgrk i æk.ki = dlxni = i MrkG.kP; k fno' kh l knj dj .ksvko' ; d vkgs ***

8. It is further stated that in para no. (v) as under :-

“(v) [kGMwv kj {k.k&

*[kGMwv kj {k.kpk ykHk ?ks; kl kBh menokjkus l {ke i kf/kdj .kkdMu i klr dsysdMkfo" k; d i æk.ki = vkf.k foHkxh; mi l pkyd ; kuh l njgwdMk i æk.ki = ; kx; vl Y; kckcr o [kGMwdks kR; k l dxkl kBh ik= Bjrls; kckcr i æf.kr dsys i æk.ki = vkH ykbLu vkonu vtZHkj.; kP; k 'køVP; k fnukdki ; r fdøk R; ki phpsfnysdlxni = i MrkG.kP; k fno' kh l knj dj .ksvfuołz j kfgy- ***

9. From the facts on record it seems that last date of submission of the application was 19/03/2017 and almost 49 applicants have submitted their certificates for verification on or about 15/03/2017. On the contrary the applicants have submitted their certificates for verification prior to that date, but they did not receive the certificates within time. Without going into the merits of the allegations of bribe, we feel that the respondent authorities should have considered these facts. It is not known as to on what date the applicants were called for producing the documents for verification. The final select list is prepared, but the same is not yet implemented. It will be, therefore, in the interest of justice and equity to allow the applicants to file representation to the respondent authorities and to

issue directions for considering the claim of the applicants. Hence, the following order:-

ORDER

The O.A. is partly allowed. We direct the petitioners (applicants) to file representation with respondent no.5 on or before 15th May,2018. If such representations along with necessary copies of documents are furnished by the applicants, we expect that the respondent no.5 shall consider the same representations by conducting due scrutiny, as may be deemed fit and proper so as to decide the claim of the applicants before giving effect to the final select list. No order as to costs.

**(Shree Bhagwan)
Member(A).**

**(J.D. Kulkarni)
Vice-Chairman (J).**

Dated :- 27/04/2018.

dnk.