

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 309/2015**

Mohsin Akhtar Khan,  
Aged about 28 years,  
R/o Habib Nagar No. 1,  
Walgaon Road,  
Amravati.

-----**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Home,  
Mantralaya Mumbai.
2. The Commander,  
State Reserve Police Force No. 13,  
Nagpur.
3. The Director of Sports and Youth Services,  
Maharashtra State, Pune. 1.
4. Vidarbha Hockey Association,  
Through its Vice-President,  
O/o Near Patrakar Sahniwas,  
Amravati Road, Nagpur. -----

**Respondents-**

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1. Shri R.V. Shiralkar, Advocate for the applicant.
  2. Shri M.I. Khan, Presenting Officer for the Respondents.

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**CORAM :** B. Majumdar : Vice Chairman  
and

S.S. Hingne: Member ( J )

**DATE :** 2<sup>nd</sup> February, 2016

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**ORDER****PER VICE-CHAIRMAN**

The applicant is before us as he is aggrieved that he has not been appointed as a Police Constable after his selection.

2. The applicant belongs to OBC. In response to an advertisement issued in 2014, he applied from the category of OBC ( Sports ). On 25/7/2014 the Commandant, SRPF, Group-13 ( R/2 ), informed him that he had been selected from the category of sports and directed him to submit documents with regard to his sports claim within 2 days. On 3/11/2014 the applicant submitted the papers directly to the Joint Director of Sports, Pune. As he was not appointed he filed this O.A. on 16/6/2015. On 15/9/2015 the Tribunal directed the Director of Sports ( R/3 ) to decide about validation of the applicant's sports certificate within 4 weeks of receipt of the order. On 13/10/2015 the Tribunal by another interim order, in terms of Condition No. 17 of the G.R. dtd. 30/4/2005 directed R/2 to appoint the applicant with liberty to re-consider the decision

after receipt of the report from R/3. On 5/12/2015 R/3 informed R/2 that the applicant fulfills the conditions for appointment from the category of Sports.

3. The Commandant, SRPF, Group-13 ( R/2 ) in his reply dtd 15/9/2015 to the O.A. submitted that although the applicant has been selected from the OBC ( Sports ) category, he can be appointed only after receiving the validity of his sports certificate from R/3. As regards the applicant's claim for temporary appointment in terms of the G.R. dtd. 30/4/2005, as per letter dtd. 15/11/2011 issued by the Additional Director General of Police ( Training and Special Squad ), Mumbai, an appointment can be made only after validity of the sports certificate. Hence the applicant cannot even be appointed on a provisional basis.

4. R/3 in his reply submitted that the applicant had represented the District Hockey Association, Amravati in the State level Inter District Hockey Tournament 2013-14 organized by Vidharbha Hockey Association Nagpur and had

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secured the medal. The said tournament was an unauthorised one and hence the applicant's certificate is invalid.

5. We find that the only ground on which the applicant has not been appointed as a Police Constable is that the R/3 did not grant validity to his sports certificate. However, R/3 by his communication dtd. 5/12/2015 had informed R/2 that on scrutiny of the applicant's sports certificate he was found to be eligible for appointment from the category of Sports.

6. In view of the above we direct R/3 to grant an appointment to the applicant as a Police Constable from the category of OBC ( Sports ) within 4 weeks of receipt of this order. The O.A. stands disposed of accordingly.

sd/-

( S.S. Hingne )  
Member ( J )  
Skt.

sd/-

( B. Majumdar )  
Vice-Chairman.