

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR.**

**ORIGINAL APPLICATION NO. 589/2012.**

Achal Diwakarji Wanjari,  
Aged about 25 years,  
Occupation-Service,  
R/o Budhwari Peth, Ward No.3,  
Ambori Naka Road, Umred,  
Distt. Nagpur.

**Applicant.**

**-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
2. The State of Maharashtra,  
Through the Superintendent of Police,  
Railways Head Quarters, Ajni, Nagpur.
3. The State of Maharashtra,  
Through the Dy. Superintendent of Police,  
Railways Head Quarters, Ajni, Nagpur.
4. The Director of Sports  
and Youth Services, (M.S.),  
Central Building, Pune Station,  
Pune.

**Respondents.**

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Shri S.M. Bhangde, the learned counsel for the applicant.  
Shri S.C. Deshmukh, the Ld. P.O. for the respondents.

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**Coram:-** The Hon'ble Shri Justice A.P.Deshpande  
Vice-Chairman and  
The Hon'ble Shri B. Majumdar,  
Member (A)

**Dated:-** 11<sup>th</sup> February 2013.

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**Oral order****Per-Vice-Chairman**

Heard Shri S.M. Bhangde, the learned counsel for the applicant and Shri S.C. Deshmukh, the learned P.O. for the respondents.

2. The respondent No.2 issued an advertisement with a view to recruit 91 Police Constables on 30.10.2011. 18 posts were reserved for OBC category and out of 18 posts, one post was reserved for OBC (Sports) horizontally. The applicant being desirous of appointment to the post of Police Constable, had applied from OBC (Sports) category. According to the scheme contained in the G.R. dated 30.4.2005, which provides for reservation of 5% of posts for outstanding sportsman, the provisional selection of a candidate from Sports category would be subject to scrutiny and verification of Sports certificate by Director of Sports. In the process of selection, the applicant was selected provisionally and his sports certificates were forwarded to the Director of Sports for scrutiny. The

Director of Sports/respondent No.4 held the applicant to be ineligible to claim the benefit made available under the G.R. dated 30.4.2005 and based on the report of respondent No.4, the selection of the applicant came to be cancelled. Aggrieved thereby, the present O.A. has been filed.

3. According to the learned counsel for the applicant, if the eligibility of the applicant is tested at the touchstone of the criteria laid down under the Maharashtra Police Constables Recruitment Rules of 2006, the applicant is very much eligible, for the reason that the eligibility prescribed under Clause-6 of the Recruitment Rules of 2006 only provide for participation in the tournament at the International/National/All India Inter University level. Per contra, according to the learned P.O., the Recruitment Rules of 2006 came to be superseded by the Recruitment Rules of 2011 which are notified on 16<sup>th</sup> June 2011. If the selection process is to be regulated, by the Recruitment

Rules notified on 16<sup>th</sup> June 2011, the applicant does not satisfy the eligibility criteria, which we will elaborate in the later part of the order.

‘What is relevant to note is that the Recruitment Rules of 2011 were notified on 16<sup>th</sup> June 2011 and advertisement in question has been published on 30.10.2011. It is thus evident that the present recruitment would be regulated by the Recruitment Rules of 2011’.

4. The State Government, for the first time reserved 5% of the posts for outstanding sports persons by issuing a G.R. dated 30.4.2005. In the said G.R., the eligibility for claiming reservation for appointment to Group-C & D posts is regulated by Clause 4 (c) of the G.R. which not only mandates participation in the prescribed sports discipline in a tournament conducted by authorized organizations but also lays down that such of the candidates who secure 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> rank or win Gold, Silver or Bronze medal would only be entitled to claim

reservation from sports category. Thus, the eligibility laid down in the G.R. dted 30.4.2005 came to be diluted when the Recruitment Rules of 2006 came to be notified on 16<sup>th</sup> May 2006 and instead of winning 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> rank or Gold, Silver or Bronze medal, mere participation was held sufficient for a sport person to claim reservation. The Recruitment Rules of 2011 superseded the Recruitment Rules of 2006 and thereby the situation as obtained under the G.R. dated 30.4.2005 was restored as can be seen from Clause-8 of the Recruitment Rules of 2011. Thus, after 16.6.2011, a candidate need to possess eligibility as is laid down in the G.R. dated 30.4.2005. It is not in dispute that the present applicant, though participated in the West Zone National Tournament in a team event, the applicant or his team was not adjudged 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> nor was it bestowed Gold, Silver or Bronze medal and as such the applicant is not eligible to claim the reservation available to sports persons under the G.R. dated 30.4.2005. The advertisement itself clarified, in the note appended at the

bottom of the advertisement that the recruitment would be regulated by the Recruitment Rules of 2011.

5. The learned counsel for the applicant tried to contend that the reason spelt out by the respondent No.4 in rejecting the sports certificate of the applicant is not that the applicant did not win Gold, Silver or Bronze medal or 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> rank, but his candidature has been rejected on the ground that the tournament is not covered by the G.R. dated 30.4.2005. The reason for rejection of the certificate would not be very material, if the ultimate act of rejection is valid. We do not see any illegality in the report of the respondent No.4 which goes to reject the claim of the applicant as a sports person eligible to claim reservation. True it is that the reason set out for rejection of the applicant's candidature is incorrect, however, as the ultimate decision is right, the right decision cannot be set aside because wrong reasons are stated by the respondent No.4. In the result, as there is no merit in the

O.A., the same stands dismissed, however, with no order as to costs.

  
(B.Majumdar)  
Member (A)

  
(Justice A.P.Deshpande)  
Vice-Chairman

Pdg