IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.988 OF 2016

DISTRICT : PUNE

Shri Sharad Raosaheb Ghadge,)
Age 24 years, occ. Student,)
R/A: At and Post Inamgaon, Taluka Sirur,)
District Pune 412210)..Applicant

Versus

1. The Secretary,)
Maharashtra Public Service Commission,)
Bank of India, 3rd floor, M.G. Marg,)
Hutatma Chowk, Fot, Mumbai-01)

2. Director,)
Sports and Youth Services, Balewadi Stadium,)
Baner, Pune)

3. Shri Rahul Manoharrao Shinde,)
C/o Advocate S.S. Jadhav, Mantha Road,)
Plot No.28, Shakuntala Nagar,)
Near Dawat Hotel, Jalna (M.CI) 431203)..Respondents

Shri D.B. Khaire – Advocate for the Applicant
Smt. K.S. Gaikwad – Presenting Officer for Respondents No.1 and 2
Shri P.S. Garad – Advocate for Respondent No.3

CORAM	:	Shri Justice A.H. Joshi, Chairman
		Shri P.N. Dixit, Member (A)
RESERVED ON	:	2nd November, 2018
PRONOUNCED ON	:	6th November, 2018
PER	:	Shri Justice A.H. Joshi, Chairman

J U D G M E N T

1. Heard Shri D.B. Khaire, learned Advocate for the Applicant, Smt. K.S. Gaikwad, learned Presenting Officer for Respondents No.1 and 2 and Shri P.S. Garad, learned Advocate for Respondent No.3.

2. The applicant herein is a candidate who has participated in the process of selection of 'B' Group of Government of Maharashtra for the post of Range Forest Officer in Open Sports Category. The applicant's eligibility on the basis of participation in the Sports Tournament done by him is invalidated. The applicant's appeal against invalidation has been rejected. Therefore, the applicant has approached this Tribunal.

3. The order/communication of invalidation and the appellate order are respectively at Exhibit 'Q' dated 9.12.2015/18.12.2015 and Exhibit 'R' dated 7.6.2016 and those are at pages 92 and 93 of OA. Instead of describing the contents thereof it would be useful to quote the text thereof which reads as follows:

"Exhibit – 'A'

क्र. खेआ-०७९३/२०१५-१६/३९८०/का-१५
क्रीडा व युवक सेवा संचालनालय
महाराष्ट्र राज्य, मध्यवर्ती इमारत, पुणे-१
दिनांक :- ९ डिसेंबर, २०१५

प्रति,
मा.वि.र. पवार,
अवर सचिव, महाराष्ट्र लोकसेवा आयोग, बॅंक ऑफ इंडिया इमारत,
३ रा मजला, महात्मा गांधी मार्ग,
हुतात्मा चौक, फोर्ट, मुंबई ४०० ००१.

विषय:- अत्त्युच्च गुणवत्ताधारक खेळाडूंना शासकीय, निमशासकीय व इतर क्षेत्रात नोकरीसाठी आरक्षण ठेवण्याबाबत
श्री शरद रावसाहेब घाडगे

संदर्भ:- आपले संबंधित उमेदवारास दिलेले क्र.१६३(२)/२०१४/१४-ब दि.०३.११.२०१५ चे पत्र

महोदय,

उपरोक्त संदर्भिय पत्रासोबत प्राप्त खालील उमेदवाराच्या क्रीडा विषयक कामगीरीचे क्रीडा प्रमाणात्र पडताळणीच्या कार्यवाहिसाठी प्रापत झालेले असून सदर उमेदवाराचे क्रीडा प्रमाणपत्राच्या पडताळणीच्या अनुषंगाने अहवाल खालीलप्रमाणे:-

१.	खेळाडू उमेदवाराचे नाव	श्री. शरद रावसाहेब घाडगे
२.	खेळ व खेळबाब	कुस्ती
३.	स्पर्धेचे नाव	राज्यस्तर शालेय कुस्ती स्पर्धा २००७-८
४.	स्पर्धा कालावधी	दि. २८ ते ३० नोव्हेंबर, २००७
५.	स्पर्धेचे ठिकाण	वाशिम
६.	खेळाडूने केलेली क्रीडा विषयक कामगीरी (प्राविण्य)	व्दितीय क्रमांक
७.	खेळाडूने सादर केलेल्या क्रीडा विषयक प्रमाणपत्राचा क्रमांक	५७
८.	शालेय शिक्षण व क्रीडा विभाग शासन निर्णय १) क्र.राक्रीधो-२००२/प्र.क्र.६८/क्रीयुसे-२ दि.३० एप्रिल, २००५ व दि.२१ जुन, २००६ २) क्र.राक्रीधो-२००२/प्र.क्र.६८/क्रीयुसे-२ दि.१८ नोव्हेंबर, २००६ ३) क्र.संक्रीआ-१००६/(प्र.क्र.१८२/०६)/क्रीयुसे-२ दि.६ मे, २००८ अन्वये क्रीडा प्रमाणपत्राची पडताळणी केली असता श्री शरद रावसाहेब घाडगे हे उमेदवार ५ टक्के आरक्षणांतर्गत किमान राष्ट्रीय स्पर्धेत प्राविण्य प्राप्त केलेले नसल्याने ते गट ब संवर्गातील पदाकरीता विहित केलेली अर्हता पुर्ण करीत नाहीत. त्यांना या अनुषंगाने अपील करावयाचे असल्यास ते आयुक्त, क्रीडा व युवक सेवा, महाराष्ट्र राज्य, मध्यवर्ती इमारत, पुणे येथे करू शकतील.	

(स्थळप्रत मा. सहसंचालक यांनी अनुमोदित केली आहे.)

आपला विश्वासू,

सहाय्यक संचालक,
क्रीडा व युवक सेवा, महाराष्ट्र राज्य, पुणे

प्रत माहितीस्तव:-
श्री शदर रावसाहेब घाडगे, मु.पो. इनामगाव ता. शिरूर जि. पुणे ४१२ २१०."

(Quoted from page 92 of OA)

"Exhibit – 'R'

डाक नोंद पोच पावती

आयुक्त, क्रीडा व युवक सेवा, महाराष्ट्र राज्य, शिवछत्रपती क्रीडापीठ, महाळुंगे-बालेगाडी, पुणे.

क्र. खेआ-०७९३/१५-१६/३९८०/का-१५
क्रीडा व युवक सेवा संचालनालय,
महाराष्ट्र राज्य, पुणे
दिनांक:- ७ जुन, २०१६.

संदर्भ:- १) मा. अवर सचीव, महाराष्ट्र आयोग, मुंबई यांचे पत्र क्र.१६३(२)/२०१४/१४-ब, दि. ३-११-२०१५.

२) श्री. शरद रावसाहेब घाडगे याचा दि.४/१/२०१५ चा अपीज अर्ज

<u>महाराष्ट्र शासन निर्णय</u>

२५. शालेय शिक्षण व क्रीडा विभाग, क्र.राक्रीधो-२००२/प्र.क्र.६८/क्रीयुसे-२, दिनांक ३० एप्रिल, २००५, दिनांक २१ जुन, २००६, दिनांक १८ नोव्हेंबर, २००६
२६. क्रमांक संक्रीआ-१००६/(प्र.क्र.१८२/०६) क्रीयुसे-२, दिनांक ०६ मे, २००८.
२७. शासन निर्णय क्रमांक क्रीअसो-१९०८/(प्र.क्र.३९४/०८)क्रीयुसे-२, दिनांक २१ ऑगस्ट, २००८.
२८. शासन निर्णय क्रमांक संकीर्ण-३००८/(प्र.क्र.३६/०८)/क्रीयुसे-२, दिनांक ०७ मे, २०१३.
२९. शासन निर्णय क्रमांक-क्रीस्पर्धा-२१०८/(प्र.क्र.४४०/०८)/क्रीयुसे-२, दिनांक २० सप्टेंबर, २०१३.
३०. शासन निर्णय क्रमांक -राक्रीधो-२००२/प्र.क्र.६८/क्रीयुसे-२, दिनांक ३० डिसेंबर, २०१३.
अन्वये अपिल

अपिलार्थी:- **श्री. शरद रावसाहेब घाडगे,** रा.मु.पो. इनामगाव, ता. शिरूर, जि. पुणे-४१२ २१०.
प्रतिवादी:- **सहसंचालक**, क्रीडा व यूवक सेवा, महाराष्ट्र राज्य, पुणे.

अपिलार्थी यांनी प्रतिवादी यांचे आदेश क्र.खेआ-०७९३/२०१५-१६/३९८०/का-१५/, ६८६८ दि. १८ डिसेंबर २०१५ अन्वये अपात्र केलेले आहे त्या निर्णयाचे विरोधात त्यांनी शासन निर्णय दि.६ मे २००८ अन्वये मा. आयुक्त यांचे कडे दि.४/१/२०१५ रोजी आपील दाखल केलेले आहे.

शासन निर्णय दि.३० एप्रिल, २००५ मधील ४(ब) मधील गट-ब पदाच्या पात्रतेसाठी राष्ट्रीय स्पर्धेमध्ये प्राविण्यप्रापत करणे आवश्यक आहे अशी तरतुद आहे. अपीलार्थी यांनी सदर केलेले प्रमाणपत्र हे राज्यसतर शालेय साई कुसती स्पर्धा २००७ चे आहे. अपीलार्थीने सादर केलेले प्रमाणपत्र वरील तरतुद पुर्ण करत नसल्याने खेळाडू निवडीचे दिवशी अपात्र आहे. तरी प्रतिवादी यांचे क्र. खेआ-०७९३/२०१५-१३/३९८०/का-१५/, ६८६८ दि.१८ डिसेंबर २०१५ चे पत्रान्वये अपात्र असा घेयात आलेला निर्णय कायम ठेवण्यात येत आहे.

त्यामुळे सदरच्या अपिलाबाबत निर्णय पुढीलप्रमाणे.

<u>निर्णय:-</u>

९. अपीलार्थी अपात्र झाल्याचा पुर्वीचाच निर्णय कायम ठेवण्यात येत आहे.
१०. सदर निर्णयाची प्रत संबंधितांना देण्यात यावी.

आयुक्त
क्रीडा व युवक सेवा, महाराष्ट्र राज्य, पुणे.

<u>प्रत माहितीस्तव:-</u>
मा. अवर सचीव, महाराष्ट्र लोकसेवा आयोग, बॅक ऑफ इंडीया इमारत, ३रा मजला, महात्मा गांधी मार्ग, हुतात्मा चौक, फोर्ट, मुंबई-४०० ००१."

(Quoted from page 93 of OA)

4. The reasons assigned in the order of rejection is that the applicant's participation done at the State Level Wrestling Tournament does not withstand the requirement prescribed in GRs referred therein.

5. The applicant has formulated challenge to the impugned decisions by his averments contained in sub-paras 17 & 18 of para 6 and grounds no.7.3 and 7.4 of OA. The text of these averments is quoted below for ready reference:

> *"17. That the applicant submits that the applicant received a letter dated 9.12.2015 from the respondent no.2 from the respondent no.2 stating that the certificate issued to the applicant herein on 30.11.2007 was issued for School competition conducted by Sports Authority of India and hence the applicant herein was not eligible to avail the benefit of Government Resolution dated 6.5.2008. Further it is submitted that the Assistant Director, Sports and Youth Service, Maharashtra State, Pune has completely misconstrued the Government Resolution dated 6.5.2008 and has stated in its letter dated 9.12.2016 that the applicant herein was not eligible for the benefit of Government Resolution dated 6.5.2008 since he had not participated in National Level Competition. However, the Government Resolution dated 6.5.2008 clearly stated that reservation are made applicable for the*

sports men who had participated in Rural Competition and have been victorious at First, Second and Third positions at State or National Level Competition. Hence, it can be clearly observed that the Assistant Director, Sports and Youth Service, Maharashtra State, Pune had rejected verification of the certificate issued to the applicant herein without application of mind.

18. *That being aggrieved by the rejection of verification of certificate issued to the applicant herein by the Sports Authority of India on 30.11.2007, by the Assistant Director, Sports and Youth Service, Maharashtra State, Pune by its letter dated 9.12.2016 the applicant preferred an appeal to Commissioner, Sports and Youth Service challenging the rejection of verification of certificate issued to the applicant herein by the Sports Authority of India on 30.11.2007. However, the Commissioner, Sports and Youth Service rejected the applicant's appeal on 7.6.2016 filed for verification of the certificate issued to the applicant herein issued by the Sports Authority of India on 30.11.2007 stating that the applicant was not eligible since he had not participated in National Level Competition. It is pertinent to mention that the respondent no.2 herein has completely misconstrued the Government Resolution dated 6.5.2016 since it has interpreted its applicability only to National Level Competition and have turned a blind eye of the word State Level Competition."*

(Quoted from page 9 & 10 of OA)

"7.3 That the letters issued by the respondent no.2 dated 9.12.2015 and 7.7.2016 stated that the certificate issued by the respondent no.2 is for School Competition issued for State Level Competition organized by Sports Authority of India. However, Government of India, Ministry of Youth Affairs and Sports Depart of Sports Mission Directorate – Sports Development in its reply dated 5.9.2016 has categorically stated that Sports Authority of India (SAI) never organized School Competition till 2010-2011 and it were organized by School

Federation of India. Hence, it is clear that the letter dated 9.12.2015 and 7.7.2016 are sent without seeking proper instructions.

7.4 That the respondent no.2 has stated in its letter dated 9.12.2015 and 7.7.2016 that the certificate issued to the applicant herein on 30.11.2007 is issued for participating in State Level School Competition organized by Sports Authority of India (SAI) however, the certificate issued to the applicant herein clearly states that the applicant has won the State Level Competition for Wrestling for 73-85 Kg. group under 16 years group. It is submitted that there is no group of under 16 years for School Competition which can be clearly observed from the rules published for School Competition. Hence, it is clear that the applicant had participated in Rural Competition for Wrestling at State Level organized by Sports Authority of India (SAI)."

(Quoted from page 15 & 16 of OA)

6. The averments on which the applicant has placed reliance have been replied by the State Government by filing affidavit in reply affirmed by Shri Naga Bira Mote, Deputy Secretary, Sports and Youth Services, Mumbai which is at page 137 onwards. The relevant paras i.e. 6.17, 6.18 and ground no.3 & 4 have been replied in para 16, 17, 24 and 25 of OA. Text thereof is quoted below:

"16. With reference to para no.6.17, I say and submit that the respondent has issued a letter dated 9.12.2015 informing that the applicant has participated in School Competition conducted by Sports Authority of India (SAI) hence applicant is not eligible for the appointment of Group B under sports quota as he does not fulfill the criteria prescribed for sportsmen under Government Resolution dated 30.4.2005 and 6.5.2008. The respondent submits that the applicant has participated in the School SAI competition held through department of sports and youth services by SAI. Therefore, the respondent has validly held ineligibility of the applicant.

17. With reference to para 6.18, I say that being aggrieved and dissatisfied by the said order/communication the applicant has preferred the appeal before Commissioner, Sports and Youth Services i.e. respondent no.2. After verification of the documents available with the office of respondent, the appeal of the applicant also rejected by respondent no.2 on 6.5.2016 considering that the applicant has not participated in the National level competition to become eligible for Group B category as per clause 4(B) of GR dated 30.4.2005.

24. With reference to para 7.3, I say that the contents of this para are not true and correct. The respondent submits that the letter dated 9.12.2015 and 7.6.2016 issued by the respondent no.2 are based on the documents available with the office of the respondent.

25. With reference to para 7.4, I say that the contents of this para are not true and correct. The respondent submit that the applicant has participated in the School Competition for wrestling organized by SAI hence the applicant is not eligible for the appointment under sports quota. The respondent submits that GR dated 6.5.2008 excludes School Competitions held under SAI from the benefit of reservation to the meritorious sportsman and only includes Rural and Women Competitions held under SAI. As the applicant participated in the School Competition held under SAI, therefore the applicant is not entitled for the relief claimed in the present application."

(Quoted from page 141, 142 & 144 of OA)

7. The respondent no.3 has filed affidavit and claimed that his eligibility is nowhere disputed and he will suffer if applicant succeeds. Ld. Advocate for respondent no.3 contends that he would adopt the line of action taken by Sports Authority of India (SAI) and prays for dismissal of OA.

8. This OA was heard from time to time before it was finally taken up. During the hearing on 10.1.2017 before admission of OA this Tribunal had recorded certain queries by text contained in para 4 of order. Para 4 of the order dated 10.2.2017 is quoted below for ready reference:

> *"4. Learned PO was asked to verify from draft as to whether the crucial questions involved in this case namely:-*
>
> *(a) Whether the competition in which applicant has participated for which certificate is shown at page 70 Exhibit G, was a State Level Competition, and as to whether said competition was held by competent authority?*
>
> *(b) Whether any rule which excludes applicant from being a candidate, because allegedly he had participated in a 'Rural Tournament or Competition", in view of the prescription contained in Government decision dated 6.5.2008 Annexure H at page 71?"*

9. In response to the order dated 10.1.2017 the Director of Sports had placed on record certain copies of documents, which are as follows:

(1) Letter dated 3.10.2007 from District Sports Officer, Akola along with lists.

(2) Letter dated 23.11.2007 from District Sports Officer, Osmanabad.

(3) Order dated 13.3.2018 passed by Principal Chief Conservator of Forest, Nagpur.

These documents are placed below farad dated 12.10.2017 and 17.10.2017.

10. The case proceeds on admitted facts as follows:

(1) The tournament in which the applicant has participated, which was at State level, was held at Washim on 26th to 29th November, 2017.

(2) The applicant reached State level competition by wining in District level competition.

(3) At relevant time applicant was taking education in 11th standard in Vidhyadham Junior College of Science, Tal. Shirur, District Pune.

(4) The school level tournaments are arranged in furtherance to the guidelines issued by the Sports Authority of India, copy whereof is at Exhibit R-4 page 189.

(5) The guidelines lay down that the tournaments have to be conducted by State/Union Territory for which entire modalities therein are prescribed. Opening para thereof reads as follows:

> *"Sir/Madam,*
>
> *As you are well aware that the lower level competitions are to be conducted well before the National Inter-School Tournament, organized under the Scheme of Promotion of Sports and Games in Schools.*
>
> *In this connection, we would like to circulate the guidelines to be followed by the States/UTs while organizing*

the District and State level competitions under the Scheme for the year 2007-08. To ensure smooth and fair conduct of the competitions, the guidelines/information as mentioned below need to be followed strictly."

(Quoted from page 189 of the paper book of present OA)

(6) The body of letter/circular provides for entire modality. It is a scheme by which various tournaments are to be held by the State Government or Administration of Union Territory for which mechanism and funding is provided by Sports Authority of India.

(7) Sports Authority of India does not itself host or conduct or organize the event.

(8) The policy of the State Government by which certain reservation or preferential treatment to the candidates who have participated in various sports is laid down by the Government decision dated 30.4.2005 which is part of Exhibit R-1 annexed by the State and its copy is at page217.

11. Since present recruitment pertains to Group B post relevant text of Government decision dated 30.04.2005 needs to be read which is as follows:

" **शासन निर्णय:** शासकीय व निमशासकीय कार्यालयांमधील गट-अ,ब,क व ड संवर्गातील नामनिर्देशनाने भरण्यात येणाऱ्या पदांपैकी ५% पदे विशेष कामगिरी बजावणाऱ्या स्त्री व पुरुष खेळाडूसाठी आरक्षित असावीत. मात्र हे आरक्षण ५२% पेक्षा अधिक असणार नाही.

४) क्रीडाविषयक अर्हता

आरक्षित पदांवर नियुक्ती देण्यासाठी खेळाडूने क्रीडाविषयक क्षेत्रात खालीलप्रमाणे कामगिरी केलेली असावी:-

अ) <u>गट-अ साठी अर्हता</u>

....

....

ब) <u>गट-ब साठी अर्हता</u>

सदर पदांसाठी त्या त्या खेळांच्या वैयक्तिक अथवा सांघिक क्रीडा स्पर्धांमध्ये महाराष्ट्रतर्फे प्रतिनिधीत्व करताना राष्ट्रीय अजिंक्यपद स्पर्धेत प्रथम, व्दितीय अथवा तृतीय स्थान प्राप्त करणारा किंवा सुवर्ण, रौप्य किंवा कास्य पदक प्रापत करणारा खेळाडू.

सदर स्पर्धा या संबंधित खेळांच्या भारतीय ऑलिम्पिक सतितीशी संलग्न असलेल्या राष्ट्रीय फेडरेशन आयोजित केलेल्या असाव्यात अथवा भारतीय ऑलिम्पिक समितीने स्वत: आयोजित केलेल्या असाव्यात.

तसेच उपरोक्त स्पर्धाव्यतिरिक्त असलेल्या स्पर्धा या मान्यताप्राप्त खेळांच्या असून राष्ट्रीय स्तरावरील भारतीय ऑलिम्पिक समितीच्या मान्यताप्राप्त संघटनेने आयोजित केलेल्या असाव्यात. यामध्ये सहभागी होणा-या खेळाडूंची निवड ही राज्य संघातून झालेली असावी."

(Quoted from pages 217-219 of OA)

12. The Government decision dated 30.4.2005 has been amended by the Government by its subsequent decision dated 6.5.2018, copy whereof is at page 71 as well as 234 of OA. Para which relates to the present case is para 4 thereof which reads as follows:

"(४) भारतीय खेळ प्राधिकरण यांनी आयोजित केलेल्या ग्रामीण व महिला क्रीडा स्पर्धातील राज्य व राष्ट्रीय स्तरावर प्रथम, व्दितीय, तृतीय स्थानप्राप्त किंवा सुवर्ण, रौप्य, कांस्य पदकप्राप्त खेळाडू हे राज्य शासनाच्या सेवेतील गट-"अ", गट -"ब" व गट-"क" व "ड" यासाठी पात्र ठरतील. तथापि, प्रत्येक गटात नियुक्तीसाठी जर स्पर्धा असेल तर वरिष्ठ प्राविण्यास प्राथम्य देण्यात येईल."

(Quoted from page 235 of OA)

13. There is subsequent Government decision which further modifies the scheme however, said circular is of July 2016, while present recruitment is of January 2016 and this subsequent circular does not operate retrospectively. Hence it need not be referred.

14. Admittedly, if a candidate participates in State Level Competition in any tournament organized by Sports Authority of India for Rural or Women such candidate would be eligible for getting the concession prescribed by Government decision dated 30.4.2005, as is laid down by para 4 of Government decision dated 6.5.2008 page 234/71.

15. In the aforesaid premises limited question which arises for consideration is:-

> *Whether the tournament in which the applicant has participated was organized by Sports Authority of India for the Rural habitants or Women for whom the tournament was organized?*

16. The aspect of event being organized by Sports Authority of India for Women is not included in the present case.

17. The key words of the scheme are: The tournament being organized by Sports Authority of India.

18. As has been recorded earlier in foregoing paragraph 9(4) and 9(5) portion and relevant text is quoted, the Sports Authority of India does not itself hold, host or sponsor the event of tournaments for school boys. This is amply clear from the circular Exhibit R-4 page 89 that the Sports Authority of India has laid down a scheme, prescribed modalities, funded and directed the State and Administration of Union Territory to conduct the event of tournament at school level.

19. The invitation of present tournament, copy whereof is placed on record by State which is on record with farad dated 3.10.2018 shows from letter dated 3.10.2017 issued by District Sports Officer as to the nature of tournament. In the subject title thereof the text reads as follows:

"राज्यस्तरीय शालेय, साई कुस्ती क्रीडा स्पर्धा आयोजन २००७-०८"

This has been done under the circular of Director of Sports, Maharashtra State, Pune which is dated 20.10.2017, copy whereof is on record at page 239 of paper book of OA.

20. Admittedly, school boys from Solapur, Pune, Mumbai have participated in the tournament. These tournaments are admittedly organized and conducted by the State, and those are conducted furtherance of the scheme announced by the Sports Authority of India. Sports Authority of India is undoubtedly involved in organizing the event.

21. It has to be shown by applicants that the event was organized by the Sports Authority of India. However, this fact is neither pleaded nor proved by the applicant. Though said fact is directly involved as fact in issue. However, applicant's thrust is on the point, that it is a tournament held by or organized by SAI and this fact is every time disputed by the State.

22. Last submission of Ld. Advocate for the applicant is that the tournament subject matter is and be considered as rural tournament.

23. From the fact evidencing that the participation of candidates from Mumbai as well as other corporation cities such as Pune and Solapur, by no stretch it can be held that the tournament in which the applicant has participated is a rural tournament.

24. It emerges that it was a school tournament. Rural tournament were also conducted simultaneously and therefore the event has been described as 'School and SAI Rural competition'.

25. Applicant's effort to read clause (4) of the Government decision dated 6.5.2008 to read and interpret to include school tournaments amounts to an effect to enlarge the scope of list created/prescribed by the State. The list is specific and not illustrative.

26. Whenever a list contains items which are illustrative or inclusive, some room may be available for enlargement by interpretation. However, when the intention of the State is eloquent and the list is enumerative and distinctive for different tournaments, stretching it beyond certain limits would not be permissible. This Tribunal has to be alive to the fact that different events have been enumerated for different categories. Initially scheme of Rules of 2005 was to include only National Level events for B category of posts however now a single event of State Level tournament "Organized by SAI" is now added. This addition cannot be escalated for elongating the said list so as to include the school level tournament at the State level which are funded by SAI but not organized by SAI.

27. In the result, Original Application fails and is dismissed.

28. Parties are directed to bear own costs.

Sd/-	Sd/-
(P.N. Dixit)	**(A.H. Joshi, J.)**
Member (A)	**Chairman**
6.11.2018	**6.11.2018**

Dictation taken by: S.G. Jawalkar.
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