

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD.**

**ORIGINAL APPLICATION ST. NO. 185 OF 2015**

**DIST.: AURANGABAD**

1. Shri Umesh S/o Bhaskar Modke,  
Age: 20 Yrars., Occu: Nil,  
R/o : Ganesh Nagar, Satara Khandoba,  
Aurangabad.
  
- 2 Shri Satish S/o Baban Sarose,  
Age: 20 Years, Occu : Nil,  
R/o : Plot No. 81, New S.T. Colony,  
Thakare Nagar, N-2, CIDCO, Aurangabad

-- **APPLICANTS**

**VERSUS**

1. The State of Maharashtra,  
Through the Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
  
2. The Commissioner of Police,  
Police Commissionerate, Mill Corner,  
Aurangabad.
  
3. The Commandant,  
State Reserve Police Force, Group No. 14 (BRB),  
Aurangabad.
  
4. The Assistant Director,  
Sport & Youth Service,  
The State of Maharashtra, Pune,  
(Copy to be served on the C.P.O. MAT,  
Aurangabad)

-- **RESPONDENTS**

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APPEARANCE : Shri R.N Bharaswadkar, Learned  
Advocate for the Applicants.

: Shri N.U. Yadav, Learned Presenting  
Officer for the Respondents.

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**CORAM: HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)  
AND  
HON'BLE SHRI B.P. PATIL, MEMBER (J)**

**DATE : 17.02.2017.**

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**ORDER**

[Per- Hon'ble Shri B.P. Patil, Member (J)]

1. The applicants have challenged the communications dated 5.12.2014 sent by the Additional Director, Sports and Youth Services Maharashtra, Pune and 6.1.2015 sent by the Dy. Commissioner of Police (Head Quarter) Aurangabad City thereby disqualify them for the appointment of post of Police Constable in the service of the respondent nos. 2 & 3 respectively from the sports quota.

2. The applicants contended that they are residents of Aurangabad. They applied for the post of Constable in the service of respondent nos. 2 & 3 under sports quota. The examination of the said post has been conducted on

5.6.2014 and 26.06.2014 accordingly and they have been selected. Thereafter, documents had been forwarded to the respondent no. 4 for verification after due verification by the office of the respondent nos. 2 and 3. It is their contention that they received communications from the office of respondent nos. 2 & 3 stating that the respondent no. 4 communicated them that they were not eligible for the post of Police Constable in the sports quota on the ground that Karate Association under which they have participated in the sport event, was not affiliated the Indian Olympic Association on the basis of Government Resolution no. राक्रिधो-२००२/प्र.क्र.६८/क्रियुसे-२ dated 30.12.2013.

3. The respondent Nos. 2, 3 & 4 challenged the contention of the applicants for filing their affidavit in reply. It is their contention that the applicants are not eligible for the post of Police Constable. It is their contention that the applicants are applied under sports quota more particularly 'Karate' for the post of Police Constable. It is their contention that their sports certificates had been send to the Director of Sports and Youth Services, Maharashtra State Pune for

verification. After verification, the Director of Sports and Youth Services has sent them letters dated 5.12.2014 and 6.1.2015 thereby informed them that the applicants are not considered eligible for the post of Police Constable under 5% sports quota. Thereafter, the respondent nos. 2 & 3 communicated the said fact to the applicants.

4. The respondent no. 4 resisted the application on the ground that the Government of Maharashtra has made reservations of 5% post to the sportsman under sports quota in the Government job to encourage sports culture in the State of Maharashtra and accordingly issued Government Resolutions from time to time. It is their contention that the applicants participated in the Karate competitions held in the year 2011 and 2012 respectively and that time the Maharashtra State Karate Association was not affiliated to Maharashtra Olympic Association. Therefore, Indian Olympic Association de-recognized the National Sports Federation including all India Karate Do federation vide its letter dated 11.7.2011. At the time of competition conducted by the Maharashtra Karate Association, in which

the applicants have participated them, had no recognition of Indian Olympic Association and affiliation of Maharashtra Olympic Association. Therefore, the applicants who participated in the competitions in this O.A. were not considered as eligible for 5% reservation quota scheme for sportsman and consequently, the applicants are not eligible for the post of Police Constable and accordingly, it had informed its decision to the respondent no. 2 and 3 respectively. The decision is as per the Government Resolution and after it has verified the documents in that regard. The applicants are not eligible to get any benefit under 5% sport quota scheme and therefore, they prayed to dismiss the O.A.

5. We have heard Shri R.N. Bharaswadkar, learned Advocate for the applicants and Shri N.U. Yadav, learned Advocate for the respondents.

6. Admittedly, both the applicants had applied for the post of Police Constable under sports quota. Admittedly, they participated in the sports event of Karate during the

year 2011 and 2012 respectively. Admittedly, they selected for the post of Police Constable in the examination conducted by the concerned authority and their documents had been sent to respondent no. 4 for verification. Admittedly, the Maharashtra Karate Association was not affiliated to Maharashtra Olympic Association or Indian Olympic Association at the relevant time.

7. It is not disputed that the G.R. dated 30.04.2005 was issued to encourage sportsman to participate in the sports and 5% seats are reserved in the Government service. Admittedly, the Government issued G.R. dated 30.12.2013 regarding participation of the sportsman in the sports event conducted by the Association, which were not affiliated to Indian Olympic Association after February, 2011 and it has been decided to verify the certificates issued to those sportsman till 28.02.2014. Admittedly, the respondent no. 4 held the applicants are not eligible for the service under sports quota as 'Karate' association has not affiliated with the Indian Olympic Association at the relevant time.

8. The learned Advocate for the applicants submitted that the applicants has grievance regarding G.R. dated 30.12.2013 as last clause regarding period of verification of the certificate was not legal. The Government of Maharashtra therefore, issued G.R. dated 19.01.2017 and decided that the sports competition held by the sports association which were not affiliated to the Indian Olympic Association to be verified and they should be considered under 5% sports quota for the employment. The learned Advocate for the applicant has placed reliance on said G.R. which is as follows:-

“शासन निर्णय :-

इंडियन ऑलिम्पिक असोसिएशनने त्यांच्या दिनांक ११ जुलै, २०११ च्या पत्रान्वये ३१ राष्ट्रीय संघटनांच्या काढलेल्या मान्यतेच्या अनुषंगाने पुढील प्रमाणे कार्यवाही करण्यात यावी:-

अ) इंडियन ऑलिम्पिक असोसिएशनने दिनांक ११ फेब्रुवारी, २०११ पासून मान्यता काढलेल्या अधिकृत राष्ट्रीय संघटनांनी व अशा अधिकृत राष्ट्रीय संघटनांनी संलग्नता दिलेल्या राज्य संघटनांनी, आयोजित केलेल्या, दिनांक ३१ डिसेंबर २०१३ पर्यंतच्या राष्ट्रीय/राज्य स्पर्धेमध्ये सहभाग घेउन प्राविण्य प्राप्त करणा-या खेळाडूंची ५% खेळाडू आरक्षणांतर्गत विविध विभागामार्फत संचालनालयास पडताळणी करण्याकरिता प्राप्त होणारी, क्रीडा प्रमाणपत्रे पडताळणी करताना, संबंधित खेळाच्या राष्ट्रीय संघटनेस इंडियन ऑलिम्पिक असोसिएशनची मान्यता आहे, असे गृहीत धरून पडताळणी करून द्यावी.

ब) तथापि, अशा मान्यता काढलेल्या राष्ट्रीय संघटनांद्वारा व त्यांनी संलब्धता दिलेल्या राज्य संघटनांनी दिनांक १ जानेवारी २०१४ पासून आयोजित करण्यात येणा-या राज्य /राष्ट्रीय क्रीडा स्पर्धांची क्रीडा प्रमाणपत्रे पडताळणी करताना दिनांक १ जुलै, २०१६ च्या शासन निर्णयाच्या तरतुदी लागू राहतील.

क) सदर शासन निर्णय खालील प्रकरणी लागू राहिल:-

1. दिनांक ०१ ऑगस्ट, २०१६ पुर्वी शासन सेवेत खेळाडूंच्या ५ टक्के आरक्षणांतर्गत निवड झालेल्या खेळाडूंचे प्रमाणपत्र, संबंधित नियुक्ती प्राधिकरणाकडून, क्रीडा व युवकसेवा संचालनालयास प्राप्त झाल्यास सदर प्रमाणपत्रांची पुनर्पडताळणी करून देण्यात येईल.
- II. दिनांक ११ फेब्रुवारी, २०११ ते दिनांक ३१ डिसेंबर, २०१३ दरम्यान राष्ट्रीय/राज्य स्पर्धेमध्ये सहभाग घेउन प्राविष्य प्राप्त केलेल्या खेळाडूंच्या आगामी प्रमाणपत्र पडताळणीच्या प्रस्तावांकरीता व त्या अनुषंगाने आयुक्त, क्रीडा व युवकसेवा संचालनालय/संबंधित विभागीय क्रीडा उपसंचालक यांच्याकडे, ५ टक्के खेळाडू आरक्षणांतर्गत प्रमाणपत्र पडताळणीच्या प्रलंबित प्रकरणासंदर्भात लागू राहिल.”

9. The learned Advocate for the applicant has submitted that the applicants are entitled to get benefit of said G.R. as the competent authority has recognized the sports event conducted by the concerned authorities during that period.

10. The learned Presenting Officer has submitted that the respondent no. 2 has rightly verified the documents and decided that the applicants were not eligible to claim sports quota in view of the G.R. dated 30.12.2013.



11. On perusal of the G.R. dated 19.01.2017, it is crystal clear that the Government has taken decision to verify the certificates of the sports who had participated in the sports event conducted by the sports association which were not affiliated, in the interest of sportsman and it has been decided that the said Associations shall be deemed to be affiliated to the Indian Olympic Association, in view of the above said facts and the G.R. dated 19.01.2017. In our view, it is appropriate and just to give benefit of the said G.R. to the applicants and to direct the respondent nos. 2 & 3 to verify the certificates issued by the concerned association by quashing and setting aside the communications dated 5.12.2014 and 6.1.2015 issued by the respondent no. 2 and 4 respectively and the consequential orders issued by the respondent no. 3 & 4 respectively. Therefore, we are proceeded to pass the following order:-

**ORDER**

1. The Original Application is allowed.

2. The communications dated 05.12.2014 issued by the respondent no. 4 and 6.1.2015 issued by respondent no. 2 are quashed and set aside.
3. The respondent no. 4 is directed to reconsider the cases of the applicant's in view of the G.R. dated 19.01.2017 and to verify the documents and to take proper decision in that regard within two months from the date of this order.

There shall be no order as to costs.

**MEMBER (J)**

Kpb/DB OA St. No 185 of 2015 BPP 2017

**VICE CHAIRMAN (A)**