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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.911 of 2018
(Subject : Appears for interview and Appointment of PSI)

Shri Swapnil Dattaji Pol,)
R/o 2/1056, Chandani Chowk, Tilak Road,)
Ichalkaranji, Tal. Hatkanangale,)
Dist. Kolhapur 416 115)

..Applicant.

Versus

1) The State of Maharashtra,)
Through the Addl. Chief Secretary,)
Home Department, Mantralaya,)
Mumbai 32)

2) The Secretary,)
Maharashtra Public Service Commission (Exam -1),)
Bank of India Building, Mahatma Gandhi Marg)
3rd floor, Fort, Mumbai 1)

3) Dy. Director of Sports and Youth Services,)
Kolhapur Division, Kolhapur, Central Adm. Building,)
Kasaba Bawada, Kolhapur)

4) The State of Maharashtra,)
Through the Principal Secretary,)
School Education and Sports Department,)
Madam Cama Road, Hutatma Rajguru Chowk,)
Mantralaya (Extention))
Mumbai 32)

.....Respondents.

Shri R.M. Kolge, the learned Advocate for the Applicant.

Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents.



CORAM : Justice Shri M.T. Joshi, Vice-Chairman
Shri P.N. Dixit, Member(A)

DATE : 21.02.2019

PER : Justice Shri M.T. Joshi, Vice-Chairman

J U D G M E N T

1. Heard Shri R.M. Kolge, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for Respondents.
2. Learned C.P.O. Ms. S.P. Manchekar for the Respondents has filed affidavit-in-reply on behalf of Respondent No.3. The same is taken on record.
3. Heard both sides. By the present application the applicant is seeking following relief in paragraph clause 9(a):
 - a) by suitable order and direction of this Hon'ble Tribunal be please to quash and set aside the revised proclamation dt. 21/9/2018 issued by the respondent No.2 and to restore the earlier proclamation dt.2/8/2018, in which cut off date has been fixed for production of the verification of the sports certificate by 17/10/2017 from the concern Dy Director of sports and further direct the respondent No.2 to allow the applicant to held the physical test to be held on 24/10/2018 and the interview when the documents of sports certificates will be verified at the time of the scrutinee and to make further process for appointment to the post of PSI and application be allowed accordingly.
4. He has filed on record the true copy of the order passed by this Tribunal in O.A.No.933/2018 dated 13.02.2019. The same is taken on record and marked as 'X' for identification.
5. Upon hearing both sides, it appears that issue of without holding the verification certificate regarding participation in Sports of present applicant on the last date of filing the application is same. Admittedly the applicant did not possess the said verification certificate though he possessed the certificate regarding participation in the Sports. Respondent No.3's affidavit shows that the verification certificate is issued on 23.08.2017.

6. Order passed by this Tribunal in the O.A.No.933/2018 as recorded above shows that the Respondent No.1 M.P.S.C. therein was directed to allow similar applicant to participate in the selection process. In the circumstances similarly is passed such as under :-

Respondent i.e. M.P.S.C. is directed to allow the applicant to participate in the selection process by ignoring the disputed proclamation subject to the applicant following all other conditions as to eligibility.

7. Original Application is disposed of without any order as to costs.

Sd/-

(P.N. Dixit)
Member(A)

Sd/-

(M.T. Joshi, J.)
Vice-Chairman

prk