

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO. 1090 OF 2015

DISTRICT :NASHIK

Miss Priyanka Gangaram Sable,)
Age:19 years, Occ.: Nil.)
R/at: Room No.1, Building B Maitra)
Pushapa Appt., Hanumanwadi Makhmalabad)
Rd., Panchavati,)
Nasik City, Nasik, Tahasil: Nasik,)
Dist: Nasik 422 003.)
...Applicant

VERSUS

1. The State of Maharashtra through,)
The Secretary,)
Revenue & Forest Dept.,)
Mantralaya, Mumbai.)
2. The Chief Conservator of Forest (Territorial))
Old Agra Rd, Mohan Nagar,)
Nashik 422 001.)
3. The Member Secretary,)
Regional Recruitment Committee, Nasik,)
& The Deputy Conservatory of Forest,)
Western Region, Nasik, Trimbak Rd.,)
Opp. Hotel Green View, Nasik 2.)
4. The Director of Sports,)
Pune GPO, Pune 411 011.)
5. The Assistant Director,)
Sports & Youth Services Directorate,)
M.S. Pune, Central Building Swargate,)
Pune 1.)

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6. The Secretary,)
 Maharashtra Tug of War Association,)
 Om Sai 220, Vatsalya Nagar Hsg. Soc.,)
 CIDCO, Nanded, Maharashtra 431 603)

7. The Secretary,)
 Schooling Education & Sports Dept.,)
 Mantralaya, Mumbai 32.)....**Respondents**

Shri K.R. Jagdale, the learned Advocate for the Applicants.

Shri A.J. Chougule, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal, Vice-Chairman
Shri R.B. Malik, Member (J)

DATE : 13.01.2017

PER : Shri Rajiv Agarwal, Vice-Chairman

ORDER


1. Heard Shri K.R. Jagdale, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant seeking appointment as Forest Guard from S.T. category pursuant to the advertisement issued by the Respondent No.3 on 15.8.2014.

3. Learned Counsel for the Applicant argued that the Respondent no.3 has issued an advertisement on 15.8.2014

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to fill up a total of 103 posts of Forest Guards. Out of these, a total of 6 posts were reserved horizontally for sports persons including one for S.T. category. The Applicant was selected under S.T.-Sports Category in the selection process, subject to verification of his Sports certificate. He was informed accordingly by the Respondent no.3 by communication dated 5.8.2015. However, when the Sports Certificate of the Applicant was sent to the Respondent No.5, it was found invalid as the Respondent no.6 opined that the Applicant was not a highly meritorious sports person. Learned Counsel for the Applicant argued that horizontal reservation for sports persons is provided in G.R. dated 30.4.2005 and the grounds of rejection of his sports certificate are not in accordance with provision of that G.R. Criterion for eligibility for Sports category as per G.R. dated 30.4.2005 is that a candidate should have secured first, second or third rank in a State level Sports competition organized by a recognized State Sports Association. The Applicant had secured second rank in Tug of War State Championship organized by Maharashtra Tug of War Association from 2nd to 4th Oct, 2010 at Wadala, Dist. Solapur. This Association is recognized by Maharashtra Olympic Association. By letter dated 10.9.2015, Maharashtra Tug of War Association had issued certificate no.7270, a copy of which is appended by the Applicant at Exhibit 'C'. However, Tug of War Federation has made certain rules about minimum number of days a player should put in the game. The Applicant had played the game only for 6 days in 7 years and therefore, she is held not eligible to get certificate



of highly meritorious Sportsperson by the aforesaid federation. Learned Counsel for the Applicant argued that the Respondent No.4 has abdicated his responsibility by accepting such advice from the Maharashtra Tug of War Association which is not provided in G.R. dated 30.4.2005. As per G.R. dated 30.4.2005, the Applicant was fully eligible for being selected from sports category and what is said by the aforesaid Association is totally irrelevant.

4. Learned P.O. argued on behalf of the Respondents No.1 to 5 that the Applicant was found not eligible to be considered for appointment from Sport category as per G.R. dated 30.4.2005. The Respondent No.4 has consulted Maharashtra Tug of War Association, who stated that the Applicant was not eligible to be considered as highly meritorious Sports person.

5. We are aghast at the decision of the Respondents especially the Respondent no.4 in this case. As a responsible Government Officer, it is his duty to ensure that provisions of G.R. dated 30.4.2005 are complied with. It is thru that the title of the G.R. is reservation of highly meritorious Sports persons (अत्युच्च गुणवत्ता धारक खेळाडू) in Government Service. However, who is a highly meritorious Sports persons is defined in the G.,R. itself. Para 4 of the G.R. reads.

“ (४) क्रीडा विषयक अर्हता:-

आरक्षित पदांवर नियुक्तीसाठी खेळाडूने क्रीडाविषयक क्षेत्रात खालीलप्रमाणे कामगिरी केलेली असावी:-



(क) गट क व ड साठी अर्हता:-

सदर पदांसाठी त्या त्या खेळांच्या वैयक्तिक अथवा सांघिक क्रीडा स्पर्धांमध्ये किमान राज्य अजिंक्यपद स्पर्धांत प्रथम, द्वितीय व तृतीय स्थान प्राप्त करणारा किंवा सुवर्ण, रौप्य किंवा कांस्य पदक प्राप्त करणारा खेळाडू.

राज्य अजिंक्यपद स्पर्धा या सदर खेळांच्या महाराष्ट्र ऑलिम्पिक असोसिएशनशी संलग्न असलेल्या अधिकृत राज्य संघटनेने आयोजित केलेल्या असाव्यात अथवा महाराष्ट्र ऑलिम्पिक असोसिएशनने स्वतः आयोजित केलेल्या असाव्यात. किमान प्राविण्यापेक्षा उच्च स्तरावरील क्रीडा प्राविण्य मिळविणा-या उमेदवारास प्राधान्य असावे. वैयक्तिकरित्या किंवा आमंत्रित स्वरूपाच्या स्पर्धांमध्ये भाग घेतलेल्या खेळाडूंचा यासाठी विचार करता येणार नाही.

राष्ट्रीय छात्रसेनेमध्ये (NCC) अंडर ऑफिसरची रॅक मिळवून राष्ट्रीय छात्रसेनेच्या राष्ट्रीय स्पर्धांमध्ये पदके प्राप्त केलेली व्यक्ती.”

The only criteria is that a candidate must have secured first second or third place in a team or individual event. There is no dispute that Maharashtra Tug of War Association is recognized by Maharashtra Olympic Association and the Sports competition in which the Applicant secured second place was organized by the aforesaid Association. In the letter dated 10.9.2015 (Exhibit 'J') this Association had confirmed that the Applicant had secured second rank in the Sports event and certificate no.7270 was awarded to her. The Respondent no.4 was not required to go beyond this as this is the only requirement under G.R. dated 30.4.2005. The so called Tug of War competition code 2013 is irrelevant in so far as G.R. dated 30.4.2005 is concerned. It appears that there was complete absence of application of mind by the Respondent No.4 and he seems to have outsourced his duties to Maharashtra Tug of War Association.

6. There is no manner of any doubt that the Applicant fulfills the requirement of eligibility as a Sportsperson under G.R. dated 30.4.2005. We are not

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concerned with the communication of the Respondent No.6 dated 10.9.2015 except that the Sport certificate produced by the Applicant was held to be genuine. As a result, the communication dated 16.10.2015 issued by the Respondent No.5 is quashed and set aside, so also the communication dated 27.10.2015 issued by the Respondent No.5, which is also quashed and set aside.

7. The Respondent No.3 is directed to issue appointment letter to the Applicant from ST Sports Category, to which she was selected within one month from the date of this order. This O.A. is allowed accordingly with no order as to costs.

Sd/-

(R.B. MALIK)
MEMBER (J)

Sd/-

(RAJIV AGARWAL)
(VICE-CHAIRMAN)

Date : 13.01.2017

Place : Mumbai

Dictation taken by : SBA

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