

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2169 OF 2015

Pravin Chandrakant Ingole,
Age : 29 Years, Occu. : Education,
R/o House No. 469, Rumini Niwas,
Munjajinagar, Bhawsar Chouk,
Nanded, Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary,
School Education & Sport Department,
Mantralaya, Mumbai.
2. The Superintendent Engineer and
Circle Officer, Vigilance Squad
(Nagpur Circle), Water
Resources Department, Nagpur.
3. The Director,
Directorate of Sports & Youth Services,
State of Maharashtra, Pune. .. Respondents

Shri Suhas R. Shirsat, Advocate h/f Shri Santosh S. Jadhavar,
Advocate for the Petitioner.
Shri G. K. Thigle, Addl.G.P. for All Respondents.

**WITH
WRIT PETITION NO. 2186 OF 2015**

Pandurang S/o Dadarao Mane,
Age : 27 Years, Occu. : Nil,
R/o Degaon (Bk), Tq. Degloor,
Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary,
School Education & Sport Department,
Mantralaya, Mumbai.
2. Zilla Parishad Nanded,
(Through its Chief Executive Officer)
3. The Director,
Directorate of Sports & Youth Services,
State of Maharashtra, Pune. .. Respondents

Shri Suhas R. Shirsat, Advocate h/f Shri Santosh S. Jadhavar,
Advocate for the Petitioner.

Shri K. G. Patil Addl.G.P. for Respondent Nos. 1 and 3.

WITH
WRIT PETITION NO. 2187 OF 2015

Sunil Dalit Kamble,
Age : 28 Years, Occu. : Education,
R/o Shastri Nagar, Kalamnuri,
District Hingoli .. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary,
School Education & Sport Department,
Mantralaya, Mumbai.
2. The Director,
Directorate of Sports & Youth Services,
State of Maharashtra, Pune.

3. The Superintendent of Police,
Washim Dist. Washim. .. Respondents

Shri Suhas R. Shirsat, Advocate h/f Shri Santosh S. Jadhavar,
Advocate for the Petitioner.

Shri G. K. Thigle, Addl.G.P. for All Respondents.

**WITH
WRIT PETITION NO. 2189 OF 2015**

Sandhya Ramprakash Jadhav,
Age : 25 Years, Occu. : Nil,
R/o Rural Hospital, Pachod,
Tq. Paithan, Dist. Aurangabad. .. Petitioner

Versus

1. The State of Maharashtra ,
Through its Secretary,
School Education & Sport Department,
Mantralaya, Mumbai.
2. Chief Forest Conservator,
Forest Department,
Government of Maharashtra, Thane.
3. The Director,
Directorate of Sports & Youth Services,
State of Maharashtra, Pune. .. Respondents

Shri Suhas R. Shirsat, Advocate h/f Shri Santosh S. Jadhavar,
Advocate for the Petitioner.

Smt. S. A. Dhumal, A.G.P. for All Respondents.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 25TH FEBRUARY, 2015.

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*) :-

. Rule. Rule returnable forthwith. By consent of parties, taken up for final disposal at admission stage.

2. Mr. Shirsat, the learned counsel holding for Mr. Jadhavar, the learned counsel for petitioners, submits that respondent Nos. 2 has published advertisement for filling up vacancies of various posts. Some posts were reserved for sportsmen category. The petitioners submitted applications in response to the advertisement issued by respondent No. 2 for the post reserved for sportsmen category. The learned counsel submits that the petitioners are shown in the select list for the respective posts. The documents of the petitioners were forwarded to respondent No. 3 for verification. The respondent No. 3 declared petitioners as invalid to claim benefit of reservation from Sportsmen category on the ground that the Maharashtra Throw-ball Association is de-recognized and an FIR is lodged against the said association. According to the learned counsel, the petitioners have participated in the tournament held before the date of de-recognition and as such, subsequent de-recognition would not affect the said tournament nor shall dis-entitle the petitioners to claim appointment on the post reserved for sportsmen. The learned counsel submits that the Maharashtra Throw-ball Association had challenged the order of respondent No. 3 - Joint Director, de-recognizing the said association, by

filing writ petition bearing No. 3521 of 2014 before the Nagpur Bench of this Court. The Division Bench at Nagpur, vide judgment/order dated 18.09.2014, set aside the order passed by the Joint Director dated 04.04.2014 de-recognising the said association. The learned counsel submits that, in the light of that, order of the respondents invalidating the case of the petitioners is illegal.

3. The respective A.G.Ps. submit that as the criminal case is filed against the said throw-ball association and the said association is also de-recognised, respondent No. 3 has rightly held that the documents of the petitioners and the participation by the petitioners in the events organized by the said association, whose recognition is cancelled, are not valid.

4. We have considered the submissions canvassed by the learned counsel for respective parties and have also gone through the order dated 10.6.2014 passed by the Division Bench of this court in writ petition No. 4223 of 2014 with other connected matters.

5. We have also considered the judgment delivered by the Division Bench at Nagpur, in writ petition No.3521 of 2014 dated 18.09.2014. The Division Bench at Nagpur, vide the said judgment, has set aside the order dated 04.04.2014 de-recognising the Maharashtra Throw-ball Association. The

respondent No. 3 has not considered the certificates produced by the petitioners only on the ground that the Maharashtra Throw-ball Association is not recognized i.e. it is de-recognized. However, in view of the judgment of the Division Bench at Nagpur, in the above referred case, the said stand cannot be valid as the order of de-recognition of the association has been set aside. In any event, it is not disputed that at the time when the petitioners had participated in the championship / tournament, the association, at the relevant time, had necessary recognition and was not de-recognised.

6. In the light of above, the order issued by respondent No. 3, published on the website declaring the petitioners as invalid to claim benefit of reservation of Sportsmen category on the ground of de-recognition of the association, is quashed and set aside. The respondent shall consider the claim of the petitioners from sportsmen category in accordance with the merits if, the vacancy still exist, then if, the authority finds the petitioners eligible, may issue appointment orders.

7. Writ petitions are accordingly disposed of. No costs.

8. Rule is made absolute in the above terms.

Sd/-

[V. L ACHLIYA, J.]

Sd/-

[S. V. GANGAPURWALA, J.]