

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 6354 OF 2015

SIDDHARTH ANANDA MEDHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. K. N. Shermale
AGP for respondents : Mr. S.B. Pulkundwar.

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CORAM : S.S. SHINDE & A.M. BADAR,JJ.
DATE : 29TH SEPTEMBER,2015.

PER COURT:-

1] By this petition, the petitioner has challenged the letter dated 16th October, 2014, issued by the Joint Director, Sports and Youth Services, (Maharashtra State), Pune, as well as the consequential letter dated 30th January, 2015 issued by the Deputy Commissioner of Police, Headquarter - 2, Mumbai, thereby intimating the petitioner that the petitioner is not qualified for the post of Police Constable reserved for Sports Category as "Sepak Takraw" is deleted from the list of approved sports.

2] Learned counsel for the petitioner invited our attention to the Government Resolution dated 23.1.2014, and submitted that by this Government Resolution, "Sepak Takraw" is now included in the list of approved sports which are entitled for reservation in Government services.

3] We have carefully considered the pleadings in the petition, annexures thereto as well as submissions of the learned counsel for the petitioner. The petitioner had participated in the selection process for recruitment to the post of Police Constable and claimed reservation in the category of Sports Person. The candidature of the petitioner was considered

from the Sports Category as the petitioner had claimed to have participated in the Sport, “Sepak Takraw”. By Government resolution dated 30th January, 2005, 5% reservation is provided to the Sports Persons who have shown substantial excellence in the sports which are enlisted in Schedule A to the said Government Resolution. “Sepak Takraw” is shown to be one of such types of Sports in Schedule A to that Government Resolution dated 30th April, 2005 (Anexure E). However, it is seen that subsequently, by Government Resolution dated 6th May, 2009, the State Government has excluded or deleted “Sepak Takraw” from Schedule A to the Government Resolution dated 30th April, 2005.

4] Certificate of the petitioner regarding excellence in sport - “Sepak Takraw” was forwarded by the Additional Commissioner of Police(Headquarters) Mumbai to the Joint Director, Sports and Youth Services (Maharashtra State), Pune for verification. After verifying the Sports Certificate of the petitioner of having participated in the Championship Tournament of “Sepak Takraw”, the Joint Director of Sports and Youth Services, (Maharashtra State), Pune, had informed the Additional Commissioner of Police that “Sepak Takraw” is excluded from the category of approved sports which entitles the participants for 5 % reservation in Government Services. The Joint Director of Sports and Youth Services, has categorically stated in the impugned communication dated 16th October, 2014 (Annexure C) that by Government Resolution dated 6th May, 2008, this type of Sport i.e.”Sepak Takraw” is excluded from the list of approved sports for which there is reservation of 5% in Government employment.

5] Learned counsel for the petitioner is not in a position to controvert the fact that “Sepak Takraw” is now excluded from the list of approved sports, which entitles the participants for 5% reservation in Government services.

6] Learned counsel for the petitioner pointed out Government Resolution dated 23rd January, 2014 and contended that by this Government Resolution, “Sepak Takraw” is now included in the list of approved sports which entitles the participants to claim reservation in Sports Category. Careful perusal of this Government Resolution dated 23.1.2014 (Exhibit F) shows that in all 7 Sports Association including the Maharashtra Sepak Takraw Association, Nagpur are made entitled for financial aid from the Maharashtra Krida Parishad. This Government Resolution cannot be construed to mean that Sepak Takraw is included in the list of approved sports, to which there is 5% reservation in Government services.

7] In this view of the matter, writ petition is devoid of substance and, therefore, same is dismissed.

[A.M. BADAR, J]

[S.S. SHINDE, J]

grt/-