

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

WRIT PETITION NO. 11458 OF 2014

Irfan Sikandarkhan Pathan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Prashant D. Suryawanshi, Advocate for the Petitioner.
Shri K. G. Patil, Addl. G. P. for Respondent Nos. 1 to 4.

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

DATE : 06TH JANUARY, 2015.

PER COURT :

. The learned counsel for the petitioner submits that, the petitioner had participated in the 33rd Maharashtra State Karate Championship conducted by the Maharashtra Karate Association recognized by the Government of India, Maharashtra Olympic Association and the Indian Olympic Association. The said tournament was held from 28.11.2011 to 30.11.2011.

2. Pursuant to the advertisement, the petitioner had applied for the post of clerk. The petitioner was at Sr. No. 30 in the order of merit, however, the respondent No. 3 issued a letter dated 27.10.2014 informing that the certificate of the petitioner is invalid. As such, the petitioner is not eligible for the post of

clerk. The learned counsel submits that, the association which is affiliated to the Maharashtra Olympic Association is authorized to hold the the Karate Championship. Even the Government Resolution dated 30th April, 2005 states the same. The learned counsel further submits that, the petitioner was not aware that the recognition of the association has been withdrawn. The petitioner participated in the said Tournament. According to the learned counsel Clause A of the Government Resolution dated 30th December, 2013 stating that only those certificates which were sent for verification prior to 28th February, 2014 are valid and those certificates sent thereafter are not valid is discriminatory and arbitrary.

3. The learned Additional Government Pleader submits that, the cut off date is legal and proper. There has to be a cut off date.

4. We have considered the submissions canvassed by learned counsel for respective parties.

5. It is not disputed that recognition of the Maharashtra Karate Association was withdrawn prior to February 2011. The championship held by the said association in November 2011 certainly cannot be said to be under the aegis of the Indian Olympic Association. Clause 'a' of the Government

Resolution dated 30th December, 2013 provides the cut off date. We need not dilate much on said aspect. In view of that, the advertisement pursuant to which the petitioner had applied is obviously as per Government Resolution dated 30.12.2013. The said cut off date cannot be said to be discriminatory and arbitrary.

6. Considering the aforesaid aspects of the matter, no relief can be granted to the petitioner. The writ petition as such is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 15