

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR
BENCH, NAGPUR.**

WRIT PETITION NO.3530 OF 2014

Ashishkumar Shyamnarayan Dubey

..vs..

State of Maharashtra, Department of Revenue and Forest, thr its Principal Secretary,
Mantralaya, Mumbai and ors

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

**Shri A.R. Patil, Counsel for the Petitioner.
Mrs. Ketki Joshi, AGP for R-1 & 3.**

**CORAM : SMT. V.A. NAIK &
A.M. BADAR, JJ.
DATE : APRIL 13, 2015.**

Heard.

By this petition, the petitioner challenges the communication of the respondent No.3, dated 28.3.2014 informing the petitioner that he was ineligible for appointment on the post of Range Forest Officer in the sports quota as he had not participated in a National Level Sports Tournament.

The petitioner had applied from the sports quota for the post of Range Forest Officer in pursuance of an advertisement issued by the respondent corporation on 27.2.2013. The petitioner appeared in the examination and was selected for appointment on the post of Range Forest Officer. After the petitioner was selected, the sports certificates tendered by the petitioner for seeking appointment in sports quota were sent by the respondent No.1 to the respondent No.3. The respondent

No.3 rejected the candidature of the petitioner for appointment on the post of Range Forest Officer in sports quota on the ground that the petitioner had not participated in a National Level Sports Tournament and had not secured a Gold, Silver or Bronze Medal in the same.

According to the petitioner, as per the advertisement, the petitioner is not required to participate in a National Level Sports Tournament. It is stated that as per clause 4.5.2 of the advertisement, it was necessary for the petitioner to participate only in the State Level Tournament and the petitioner has produced the requisite certificate of having participated in the same. It is stated that the rejection of the candidature of the petitioner on the ground that he had not participated in the National Level Sports Tournament is bad in law and contrary to the eligibility criteria stipulated in the advertisement.

Mrs. Ketki Joshi, the learned Assistant Government Pleader appearing on behalf of the respondent No.1 and 3, supported the order of the respondent No.3. It is stated that the order of the respondent Nos.2 and 3 is based on the Government Resolution dated 30.4.2005 which provides that a candidate securing employment in Group-A or Group-B post from sports quota should have participated in the National Level Sports Tournament and should have received a Gold, Silver or Bronze Medal. It is stated that a reference to the Government Resolution dated 30.4.2005 is made in clause 4.5.1 of the advertisement

and the action of the respondent Nos.2 and 3 is based on the Government Resolution dated 30.4.2005 which provides for participation in the National Level Sports Tournament. According to the learned Assistant Government Pleader, since the petitioner has admittedly not participated in the National Level Sports Tournament, the candidature of the petitioner was rightly rejected.

On hearing the learned counsel for the parties and on a perusal of the advertisement as also the Government Resolution dated 30.4.2005, it appears that the respondent Nos.2 and 3 were justified in rejecting the candidature of the petitioner from the sports quota. The post of the Range Forest Officer falls in Group-B post and according to the Government Resolution dated 30.4.2005, for seeking appointment on a post in Group-B, reserved for sports quota, the candidate should have participated in a National Level Sports Tournament. The reliance placed by the petitioner on clause 4.5.2 of the advertisement for seeking eligibility in the sports quota is not well founded as it would be necessary to conjointly read the said clause with clause 4.5.1 of the advertisement which specifically provides that the reservation in sports quota would be as per the Government Resolution dated 30.4.2005 and some other Government Resolutions mentioned in clause 4.5.1. Since admittedly, the petitioner had not participated in the National Level Sports Tournament, the petitioner could not have competed on a Group-B post from the sports quota. We do not find any illegality in the action

of the respondent Nos.2 and 3 in rejecting the candidature of the petitioner.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE

!! BRW !!