

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

WRIT PETITION NO. 3889 OF 2014

(Shri Nitesh s/o Arjunrao Tagde vs. The State of Maharashtra thr. its Secretary, Department of Forest and Revenue & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.P. BHANGALE, JJ.
JANUARY 05, 2015.**

Heard Shri Tiwari, learned counsel for the petitioner and Shri Kale, learned AGP for respondent Nos. 1 & 4.

The effort of Shri Tiwari, learned counsel is to demonstrate that the petitioner was qualified as a Sports person and, therefore, rightly selected after he applied accordingly in response to the advertisement. The communication issued on 27.09.2012 informing him that he could not have been selected in that category, is questioned by him on two counts. He submits that in the advertisement, there was no specification and hence, it cannot be said that a person like the petitioner who participated as a member of team in Inter University Volley Ball competition and won silver medal is disqualified. It is further submitted that the respondents later on

have felt it necessary to recognize Inter University Competition also and that amendment has been effected on 20.09.2013.

The learned AGP is supporting the impugned communication. He points out that the petitioner was not given any appointment order and the recognition to Inter University events is for the first time by Government Resolution dated 20.09.2013.

The perusal of Government Resolution dated 20.09.2013 shows that right from the year 2005 till 02.03.2012, there were at least nine policy decisions which occupied the field. This Government Resolution itself shows that the authorities found it necessary to grant recognition to Inter University events at National level and accordingly some amendment has been made for the first time on 20.09.2013.

The advertisement in this matter was issued on 24.02.2012. Thus, at that juncture, the authorities did not recognize the event, in which the petitioner participated, as sufficient to qualify him to compete as a Sports person or Outstanding Sports person.

In this view of the matter, it is apparent that the contention that in the absence of specific stipulation in the advertisement, the petitioner could

not have been disqualified, is erroneous. It was for the petitioner to approach this Court with a case pointing out how the authorities were estopped when there are policy decisions issued prior to the advertisement. The consideration of the entitlement of the petitioner is not contrary to those policy decisions. The argument of promissory estoppel is misconceived.

We, therefore, do not find any case made out warranting interference. Writ Petition is rejected. No order as to costs.

JUDGE

JUDGE

**G.S.*