

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

WRIT PETITION NO. 1650 OF 2015

Deepak Dilip Patil,
Age : 22 years, Occu. : Nil,
R/o Fagne, Taluka and
District Dhule

.. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Education & Sports Department,
Mantralaya, Mumbai.
2. The Director,
Sports & Youth Services,
Maharashtra State, Pune - 1.
3. The Chairman,
Regional Selection Committee
@ Chief Conservator [Regional],
Dhule, Taluka & District Dhule.
4. Deputy Conservator,
Nandurbar Forest Department,
Van Bhawan, Dondaicha Road,
Shahada, District Nandurbar.
5. Maharashtra Olympic Association
Through its Secretary,
Balasaheb Landge,
Secretariat at Annasaheb Magar Stadium
Nehru Nagar, Pimpri, Pune - 18. .. Respondents

Shri Amol S. Sawant, Advocate for the Petitioner.

Shri A. A. Jagatkar, A.G.P. for Respondent Nos. 1 and 2.

Shri Umakant K. Patil, Advocate for Respondent Nos. 3 and 4.

The Respondent No. 5 served.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.
DATE : 17TH OCTOBER, 2016.**

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

. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

2. The petitioner assails the order passed by the Deputy Director, Sports and Youth Services thereby invalidating the sports certificate of the petitioner.

3. Mr. Sawant, the learned counsel for the petitioner submits that, the petitioner was selected for the post of Forest Guard from sportsman category. The certificate of the petitioner issued by the Maharashtra Karate Association in which the petitioner stood third was sent for verification to the concerned authority. The concerned authority invalidated the said certificate only on the ground that, the association who has conducted the tournament is not recognized by the Indian Olympic Association. The learned counsel submits that, the said reason given is illegal and not in consonance with the Government Resolution dated 30th April, 2005. According to the learned counsel, it is sufficient if the association conducting tournament is recognized by the Maharashtra Olympic Association. The Maharashtra Karate Association is recognized by the Maharashtra Olympic Association. The said ground is erroneous. The learned counsel relies on the judgment of the Division Bench of this Court in Writ Petition No. 10280 of 2015 dated 21st December,

2015.

4. Mr. Patil, the learned counsel for respondent Nos. 3 and 4 submits that, the said association which conducted the tournament is not recognized by the Indian Olympic Association and the order is rightly passed. So also tournament was conducted after the petitioner was selected. According to the learned counsel no error has been committed while invalidating the sports certificate.

5. The learned Assistant Government Pleader also submits that, as the association conducting the tournament was not affiliated to the Indian Olympic Association, the certificate is rightly invalidated.

6. The reason for invalidating sports certificate of the petitioner issued by the Maharashtra Karate Association is that, the said association is not affiliated/recognized by the Indian Olympic Association. The said reason does not appear to be in consonance with the Government Resolution dated 30th April, 2005 in as much as, the said Government Resolution does not require the association conducting tournament to be recognized by the Indian Olympic Association. The said resolution explicitly lays down that even if association conducting tournament is affiliated to the Maharashtra Olympic Association, the same would be valid. The affidavit is filed by the respondent No. 2 thereby specifically stating that, the said association i. e. Maharashtra Karate Association is affiliated with the Maharashtra Olympic Association.

7. In the light of the above, the impugned order rejecting the sports certificate of the petitioner on the ground that, it is not affiliated to the Indian Olympic Association cannot be sustained and the same is quashed and set aside.

8. The respondent No. 2 or any of its designatee shall reconsider said certificate and shall not reject the same on the ground that Maharashtra Karate Association is not affiliated with the Indian Olympic Association. The same shall be done expeditiously and preferably within a period of three (03) months from today. Till the decision is taken upon the said certificate, needless to state the post on which the petitioner was selected shall not be filled in till then.

Rule accordingly is made absolute in above terms. No costs.

Sd/-

[K. L. WADANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]