

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1694 OF 2015

Govinda Dashrath Pardeshi
Age: 26 years, occu: nil,
R/o House No.7, Sai Baba Nagar
Nakane Road, Dhule
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 Commandant,
State Reserve Police Force,
Gat No.6, Mahindale Shivar,
Sakri Road, Dhule
Taluka and District: Dhule

4 Maharashtra Olympic Association
through Its Secretary,
Balasaheb Landge
Secretariat at Annasaheb Magar Stadium
Nehru Nagar, Pimpri, Pune - 18

Respondents

Mr.Sawant Amol S. advocate for the petitioner
Mr.S.M. Ganachari, Assistant Government Pleader for Respondents No.
1 & 2

CORAM : R.M. BORDE, & P.R. BORA, JJ

(Date : 14th MARCH, 2016.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken up for final disposal at admission stage.

3 The petitioner is praying for quashment of the communication issued by the Deputy Director of Sports & Youth Services, Maharashtra State, Pune, addressed to the Assistant Commandant, State Reserve Police Force, Dhule dated 16.8.2014, recording therein that, since the Indian Olympic Association has de-recognized the sports event since February, 2011, the sports certificate issued in favour of the petitioner cannot be considered for holding him eligible to secure employment in Class 'C' category.

4 The petitioner claims to have participated in the 34th State Level Karate Championship held on 9th and 10th February, 2013 and secured third rank in order of merit. A certificate regarding his participation has been issued by the competent authority, which has been relied upon by the petitioner for securing employment under State Government in Class 'C' category.

5 The issue raised in the instant petition is also the same as was involved in the Writ Petition No.10280 of 2015 (Vinod Khandoji Bhandare V/s State of Maharashtra and others) which was decided by division Bench of this Court on 21.12.2015 of which one of us i.e. Shri Justice P.R. Bora was one of the Members.

6 The petitioner in Writ Petition No.10280 of 2015 had also participated in the same event in which the petitioner also claims to have participated and an identical order passed by respondent was subjected to challenge in the aforesaid writ petition. While disposing of the writ petition, division bench in para No.14 of the Judgment has observed as quoted below.

"14 Considering the documents filed by the petitioner and in absence of any contrary evidence it has to be held that at the relevant time i.e. In the year 2013 and more particularly, during the period in which the 34th Maharashtra State Karate Championship, 2013 competitions were held, the Maharashtra Karate Association was affiliated to Maharashtra Olympic Association. Secondly, as we have discussed herein before, the Government Resolution dated 30th April, 2005 does not prescribe any such condition that such a State Organization should be approved or affiliated to Indian Olympic Association. "

7 For the reasons recorded while disposing of writ petition No.10280/2015, the instant petition also deserves to be allowed and same is accordingly allowed.

8 The communication dated 16.8.2014 issued by the Deputy Director of Sports & Youth Services is quashed and set aside. It would be open for the respondents to consider the claim of the petitioner on merits, for employment in Class 'C' category in accordance with law, if the petitioner fulfills other necessary requirements.

9 Rule is made absolute accordingly.

10 There shall be no order as to costs.

(P.R. BORA, J)

(R.M.BORDE, J)