

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

**WRIT PETITION NO. 3349 OF 2014
WITH CA/2659/2016 IN WP/3349/2014**

**PRAVIN SUBHASH THORAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...**

Advocate for Petitioner : Mr. Solanke
Shrikrashna B.
AGP for Respondent/State : Mr. V.S. Badakh
Advocate for Respondent no.3 : Mr. Bajaj Anil
S.

...

**CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.
Dated: April 28, 2016**

...

PER COURT :-

Heard.

2. The learned counsel appearing for the petitioner submits that in the light of the Government Resolution dated 14th July, 2009 issued by the School, Education and Sports Department, Government of Maharashtra, the petitioner's claim from sports category i.e. "Wushu" deserves to be considered. It is submitted that the petitioner was allowed to participate in the selection process but merely because the Directorate of Sports had

written a letter, the petitioner's selection has been cancelled. Therefore, he submits that the Petition deserves to be allowed.

3. On the other hand, the learned counsel appearing for the Respondents invites our attention to the advertisement, and in particular, the caption '*Krida Prakar*', wherein this sport activity i.e. '*Wushu*', in which the petitioner has participated, has not been included.

4. We have considered the submissions advanced by the learned counsel appearing for the petitioner and the learned counsel appearing for the Respondents. With their able assistance, we have perused the pleadings in the Petition, annexures thereto, aforementioned Government Resolution and the copy of the advertisement, which is placed on record at Exhibit '*R-1*' page 31 along with compilation of the Writ Petition.

5. Admittedly, '*Wushu*' sport is not included/mentioned in the advertisement. It was open for the petitioner to take exception to the advertisement at the relevant time, in case the petitioner had a grievance that the

said sport namely, 'Wushu' is not mentioned/included in the Caption 'Krida Prakar' of the advertisement. Once having been participated in the selection process, and in view of the admitted position that the sport in which the petitioner has participated, has not been mentioned in the advertisement, it is not open for the petitioner to take exception to the selection process.

6. Therefore, in the light of discussion in foregoing paragraphs, we are unable to persuade ourself to grant any relief in favour of the petitioner. Hence the Petition stands rejected.

7. In view of the disposal of Writ Petition itself, nothing survives for consideration in Civil Application No. 2659 of 2016, and hence same stands disposed of.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)