

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

WRIT PETITION NO. 8353 OF 2015

Kailas Namdeo Rathod

.. Petitioner

Versus

Dr. Babasaheb Ambedkar Marathwada
University through its Director of
Sports and another

.. Respondents

Shri Ajay S. Deshpande, Advocate for the Petitioner.

Shri S. G. Chapalgaonkar, Advocate for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 16TH JUNE, 2016.

PER COURT :

. The directions are sought against the respondent No. 1 to issue Distinct Sport Certificate to the petitioner as prayed. Mr. Deshpande, the learned counsel for the petitioner submits that, composite certificate has been issued, which does not depict the correct position. In West zone inter-university Kabbadi (Men) (2009-2010) tournament held at Amrawati, the petitioner was representing the respondent No. 1/university, which got third place in the tournament. However, the composite certificate issued by the university does not state this fact of the university represented by the petitioner standing in third position. The

petitioner has participated in the All India Inter-university Tournament, represented the respondent No. 1 also. So a composite certificate has been issued without mentioning that in the inter-university West Zone Tournament, the petitioner has represented the university, which stood third in the tournament. The distinct sports certificate of the petitioner getting third position would assist the petitioner in further walk of life.

2. Mr. Chapalgaonkar, the learned counsel for the respondent No. 1/university submits that, in fact, certificates are to be issued by the association of universities. It is a management council who passed a resolution to issue certificate recognizing activities of their students.

3. We have considered the submissions canvassed by learned counsel for respective parties. Rule 4(b) of the Introductory Rule VIII of the Rules and Regulations framed by Association of Indian Universities as reproduced in the affidavit in reply reads as under :

Clause 4(b) :

"No organizing University shall award certificates of its own to any of the participants in a tournament. Only the Association is authorized to award certificates of merit as specified in Rule 4(a) above. Likewise no organizing University shall award a trophy of its own for any position in the

Inter University Tournament."

4. No provision in any statute, rules and regulations is pointed out, wherein respondent No. 1/university is duty bound to give such certificates. The clause 4(b) as reproduced supra on the contrary prohibits an organizing university also to award certificates of its own, to students of participation. It states that, only the Association is authorized to award certificates of merits as specified in Rule 4(a). The respondent No. 1/university to assist its students has issued the certificate at their end. There has to be some statutory mandate for the respondent No. 1 to issue certificate as asked by the petitioner. In absence of the same, directions as prayed cannot be issued.

5. Considering the above, writ petition is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]