

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 166 OF 2016**

Mujahid L. Shaikh

.. Petitioner.

vs.

The Director of Sports
(M.S.), Pune and ors.

.. Respondents.

Mr. Pandit Kasar for the petitioner.

Mr. A.I. Patel, AGP for the respondents-State.

**CORAM: D.H. WAGHELA, C.J. AND
M.S.SONAK, J.**

DATE : 17 MARCH 2016.

P.C.:

1] Heard learned counsel for the parties.

2] In our judgment, there is no case made out to interfere with the impugned judgment and order dated 7 October 2015 made by the Maharashtra Administrative Tribunal (MAT) in dismissing the petitioner's Original Application No. 1230 of 2013 seeking appointment to the post of Police Constable under sports quota.

3] The petitioner claims to have participated in All India Inter University Tournament in Boxing held in 2010-2011. His case is that such tournament is one of the recognized tournaments in order to avail benefit of sports quota in terms of Government Resolution (G.R.) dated 30 April 2005. Learned counsel for the petitioner has reiterated the same contentions before us.

4] The MAT, after examining the G.R. dated 30 April 2005, has held that there is neither any reference to such Inter University Boxing Tournament as being a recognized tournament nor does the G.R. dated 30 April 2005 recognizes mere participation in such tournaments as eligibility for availing the sports quota. Learned counsel for the petitioner was unable to satisfy us as to why we should take a different view in this matter.

5] That apart, it is to be noted that the recruitment to the post of Police Constable is now to be governed by the Maharashtra Police Constable (Recruitment) Rules, 2011 (said Rules), as notified on 16 June 2011. Rule 8 of the said Rules, *inter alia*, provides that the provisions of G.R. dated 30 April 2005 as modified subsequently will be applicable. Both the G.R. dated 30 April 2005 as also modified G.Rs., very clearly do not recognize mere participation even in national, international tournaments as sufficient for eligibility under the sports quota. Therefore, even if we are to assume that All India Inter University Tournament is to be regarded as some recognized tournament, even then, mere participation therein, certainly, did not entitle the petitioner to claim eligibility under the sports quota. The MAT has very rightly brought about the distinction between the Maharashtra Police Constable (Recruitment) Rules, 2006 and 2011 Rules with which we are presently concerned.

6] Upon cumulative consideration of all the aforesaid facts and circumstances as also legal position, we are satisfied that

there is no jurisdictional error in the impugned judgment and order made by the MAT. Accordingly, this petition is dismissed. There shall however, be no order as to costs.

(CHIEF JUSTICE)

(M.S.SONAK, J.)