

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

**Writ Petition No.8366 of 2016
With
Civil Application No.2274 of 2017**

* Paresh Vinayak Patil,
Age 34 years,
Occupation: Nil,
R/o Plot No.47,
Dadasaheb Gulabrao Borse
Housing Society, GTP Stop,
Deopur, 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 Superintending Engineer,
(Electricity), Pune Regional
Electric Circle, Date Bangala,
Khadki, Pune - 400 003.
- 4) The Chief Engineer (Electricity),
Public Works Department,
Bandhkam Bhawan, 3rd Floor,
Marzaban Road, Fort, Mumbai 400 001.
- 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 petitioner.

Shri. S.B. Joshi, Assistant Government Pleader,
for respondent Nos.1 to 4.

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 15 February 2017

ORAL JUDGMENT :

1) Rule, rule made returnable forthwith.

Heard both sides by consent for final disposal.

2) The present proceeding is filed for relief of quashing and setting aside the communication dated 20-5-2015 issued by the Director, Sports and Youth Services, Maharashtra State, Pune, addressed to the Superintending Engineer (Electrical), Pune Regional Circle, Pune and for passing further consequential orders. It is the case of the petitioner that he is a sport-person and he had participated in Karate championship in the event arranged by Maharashtra Karate Association. He had applied for the post of Driver which was published by the respondents from sports category. He was selected on the

basis of the certificate issued by the authority about his eligibility as a sport-person. This certificate was sent to the Director of Sports and Youth Services Pune, Maharashtra State. In the first correspondence the Director informed to the employer that Maharashtra Karate Association was not recognised by Maharashtra Olympic Association at the relevant time and so as a sport-person appointment cannot be given to the present petitioner.

3) It appears that Maharashtra Olympic Association then made correspondence to the office of the Director and informed that Maharashtra Olympic Association had given recognition to Maharashtra Karate Association with effect from 12-1-2008. In view of this information, the Director reconsidered the matter and has informed by communication dated 22-12-2016 to the respondent-employer that he has fulfilled the eligibility condition of sport person for getting the aforesaid post.

4) It appears that when reply affidavit was filed by the respondent, this communication dated 22-12-2016 was not available and so there was no mention about this communication in the reply affidavit. Today learned Assistant Government Pleader made statement that in view of the new circumstance the communication made by the office of the Director that the petitioner is eligible, the matter will be reconsidered and further appropriate orders will be issued. In view of these circumstances, the writ petition is allowed. The communication made by the office of the Director dated 20-5-2015 is set aside. The respondents-employer are expected to take further steps in accordance with the correspondence made by the office of the Director dated 22-12-2016. Rule made absolute in those terms. Civil application is disposed of.

Sd/-
(SANGITRAO S. PATIL, J.)

Sd/-
(T.V. NALAWADE, J.)

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