

vat

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION No. 2766 OF 2016

Miss. Prajakta Sanjay Sawant

....Petitioner

Vs.

State of Maharashtra

....Respondent

Mr. Piyush Shah a/w. Mr. Prabhakar Jadhav for the Petitioner

Mr. A.I. Patel- Additional Government Pleader for the Respondent State

Mrs. Charushila Chaudhari- Dy. Secretary, School Education , Sports
Department Mantralaya.

CORAM : V.M. KANADE &

C.V. BHADANG, JJ

DATE : APRIL 26, 2017

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioner and the learned AGP for the State.

2. The Petitioner claims to be an international badminton player and has been representing India for the period from 2004 to 2014 continuously in sub-junior, junior and senior level in Singles, Doubles and Mixed Doubles events.

From the years 2007 to 2011, the Petitioner won 7 International Medals for the Country in various events. It is contended that the Petitioner's name is also published in the Limca Book of records 2010 for being the first ever Indian Girl in the history of Indian Badminton to win a Gold Medal in the sub Junior Asian Badminton Championships. The Petitioner has also to her credit the other records at the senior level in badminton tournaments held all over the world.

3. The State of Maharashtra had framed a policy for the sport persons who have achieved accolades at the State, National or International level and by the Government Resolution dated 21st May, 2011, the State Government has decided that meritorious players could be appointed directly by the State Government.

4. The Petitioner, accordingly, applied for an appointment in the service of the State of Maharashtra by an application dated 19.7. 2011. At the relevant time, the Petitioner had passed her HSC Examination. It is the contention of the Petitioner that in Category 'A', a person who had obtained a medal either in the Olympic or in the World Championship or in the Asian Games or in Common Wealth Games would be entitled to get an employment. It is the case of the Petitioner that since she had received a Gold Medal in the month of August, 2010 in the Sub-Junior Asian Badminton Championship and other

medals in that year and in the next year, she was entitled to be appointed in Category 'A'.

5. The Petitioner, however, received a communication from the State of Maharashtra on 30.9.2014, informing her that she could get an employment in Grade 'C' as per her qualification was HSC on that day and after graduation, she would get an employment in Category 'A'. The Petitioner, thereafter, filed a Writ Petition (L) No. 2541 of 2014. In the said writ petition, this Court by an order dated 3.11.2014 directed the State of Maharashtra to consider the Petitioner's application for employment in Grade 'A' post in accordance with the Government Resolution dated 21.5.2011.

6. The Petitioner, thereafter, was informed by a letter dated 6.12.2014 that the Government had decided to give employment to the Petitioner in Grade 'B' as Nayab Tahasildar. According to the Petitioner, this was in violation of the order passed by this Court on 3.11.2014.

7. The learned AGP for the State, however, submits that the Petitioner did not get any medal in Olympic Games, World Championship, Asian Games or Common Wealth and, therefore, she is not entitled to get an employment in Category 'A' but she is entitled to get employment under Category 'B'.

8. The learned Additional Government Pleader for the State, after taking instructions from Mrs. Charushila Chaudhari, Dy. Secretary, School Education, Sports Department, Mantralaya, submits that if the Petitioner makes a fresh application for being appointed under Category 'B' on the basis of the letter dated 6.12.2014, the same will be considered favourably and available post in the said Category will be given to her. The State Government is directed to take a decision for appointment of the Petitioner in Category 'B' within eight weeks from the receipt of the order passed by this Court. The Petitioner shall accordingly make an application within two weeks. If such an application is made, the same shall be decided within eight weeks and the Petitioner shall be appointed in Category 'B' post. With these directions, the writ petition is disposed of.

[C.V. BHADANG, J.]

[V.M. KANADE, J.]