

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

WRIT PETITION NO. 2130 OF 2018

Saurabh S/o. Ganpat Pisal & Ors.

.... Petitioners

Versus

The State of Maharashtra & Ors.

.... Respondents

.....
Shri. V. G. Sakolkar, Advocate for the petitioners
Ms Preeti Diggikar, AGP for respondent/State
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 04TH FEBRUARY, 2019

ORAL ORDER:

1. Shri. Sakolkar, learned Advocate for the petitioners submits that the impugned decisions are bad in law. The petitioners had participated in the Tug-of-War National Championship held during 16th to 20th August, 2012 and had secured second position. The certificates to that effect are also issued by the Association. The Association which had conducted the tournament was affiliated to the Indian Olympic Association and said certificates are valid.

2. The learned Advocate for the petitioners further submits that as per Government Resolution dated 19.01.2017, more

particularly, Clause '2(c)', the petitioner's participation is protected and the said certificates can be considered as valid for service purpose as the participation of the petitioners is during the period 11.02.2011 to 31.12.2013. The respondents have not properly considered Government Resolution dated 19.01.2017.

3. Ms Preeti Diggikar, learned Assistant Government Pleader submits that in view of Government Resolution dated 01.07.2016 the petitioners would not be entitled to the benefit of the Sportsmen category as the sport Tug of war is not included in the said Government Resolution and the said Government Resolution is applicable after one month of its introduction.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. The Government Resolution dated 19.01.2017 is basically issued to safeguard those participants who had participated in the National / State Championship between 11.02.2011 to 31.12.2013 in respect of the sports activity conducted by the Associations whose affiliation was withdrawn by the Indian Olympic Association. However, the certificates with regard to the Sportsmen category

would be governed by the Government Resolution dated 01.07.2016. As per the said Government Resolution, the category of sports of which benefit can be given to candidate for selection in the 5% sports category are spelt out. The sport Tug-of-War is not included in it.

6. In view of the above, the benefit as sought by the petitioners cannot be given. The impugned orders, as such, do not suffer from any illegality.

7. The Writ Petition is dismissed. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde