

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11062 OF 2018

DNYANESHWAR NAMDEO KATHVATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Deshmukh Mahesh S.

AGP for Respondents No. 1 to 5 :

Mr. G. L. Deshpande

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CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 24th JANUARY, 2019

PER COURT :

1. Mr. Deshmukh, learned Advocate for the petitioner submits that the impugned decision is bad in law. The petitioner had participated in the Maharashtra State (Men) Tug of war Championship held during 16th to 18th August, 2013 and had secured second position. The certificate to that effect is also issued by the Association. The Association which had conducted the tournament was affiliated to the Indian Olympic Association and said certificate is valid.

2. The learned Advocate for the petitioner 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 certificate can be considered as valid for service purpose as the participation of the petitioner is during the period 11.02.2011 to 31.12.2013. The respondents have not properly considered Government Resolution dated 19.01.2017.

3. Mrs. Deshpande, learned Assistant Government Pleader submits that in view of Government Resolution dated 01.07.2016 the petitioner 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between 11.02.2011 to 31.12.2013 in respect of the sports activity conducted by the Associations whose affiliation was withdrawn by the Indian Olympic Association.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 the view of above, the benefit as sought by the petitioner cannot be given. The impugned order, as such, does not suffer from any illegality.

7. Writ Petition is disposed of. No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]
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