

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11693 OF 2019

Shril. Vijay Sadashiv Borkar
Versus

.....Petitioner

The State of Maharashtra & Ors.

.....Respondents

Mr. S.A. Rajeshirke for the Petitioner.

Mr. K.S. Thorat, AGP for Respondent-State.

**CORAM : RANJIT MORE &
SURENDRA P. TAVADE, JJ.**

DATE : 6th DECEMBER, 2019.

P. C. :

1. Mr. Rajeshirke, learned counsel for the petitioner, at the outset, restricted this petition to the relief claimed in the prayer clause (b). The statement is accepted. Prayer clause (b) reads as follows :-

“This Hon’ble Court may be pleased to direct any other impartial authority/officers including Deputy Director of Sports and Youth Services, Maharashtra State from any other Region to conduct aforesaid inquiry by giving the fair opportunity of hearing to the petitioner and without influenced by letter dated 21.08.2019.”

2. Respondent No.4 - the Deputy Director has conducted enquiry in pursuant to the letter dated 21.08.2019 issued by Respondent No.2-the Director/Commissioner, Directorate of Sports and Youth Services regarding the sports certificate obtained by the petitioner. Mr. Rajeshirke submits that Respondent No.2 by his letter dated 21.08.2019 has already

concluded that the sports certificate obtained by the petitioner is bogus, and therefore, recommended to cancel the same. In the teeth of the order passed by the Commissioner, Respondent No.4 - the Deputy Director had no alternative but to comply with the said order of the Commissioner/Director.

3. The grievance of the petitioner that the conclusion arrived at by Respondent No.2 Director/Commissioner in a letter dated 21.08.2019 is without hearing the petitioner, and therefore, the same should not be taken into consideration in an enquiry, which is directed to be conducted by the respondents regarding forged certificate of the petitioner. We find the grievance of the petitioner is justified in as much as without affording an opportunity of hearing to the petitioner, the conclusion adverse to the interest of the petitioner is arrived at by respondent No.2 the Director/Commissioner.

4. In the above circumstances, we dispose of the petition with direction to respondent No.4 to decide the genuineness or otherwise of the sports certificate obtained by the petitioner independently on its own merits and only after hearing the petitioner.

5. It is made clear that respondent No.4 shall not be influenced by the conclusion arrived at by respondent No.2-Director/Commissioner regarding the genuineness of the sports certificate of the petitioner and the letter dated 21.08.2019.

6. The writ petition is disposed of accordingly.

[SURENDRA P. TAVADE, J.]

[RANJIT MORE, J.]