

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.5537 OF 2018
WITH
CIVIL APPLICATION NO.1061 OF 2018
IN
WRIT PETITION NO.5537 OF 2018**

Shri. Sachin Sampat GawaliPetitioner
Versus
The State of Maharashtra & Ors.Respondents

Mr. Sandeep Dare, Advocate for the Petitioner.
Mrs. M.P. Thakur, AGP for the Respondent-State.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 26th JULY, 2019.

P. C. :

1. The petitioner has challenged the order dated 18.12.2015 passed by the Maharashtra Administrative Tribunal in Original Application No.35 of 2013, thereby rejecting the said application filed by him for consideration of his candidature for SC–Sports Category. The petitioner has responded pursuant to an advertisement issued by the respondent no.2 for the post of Police Sub-Inspector and had cleared the preliminary examination. At the time of interview, he had produced certain documents claiming the reservation of 5% from the SC-Sports Category. The said documents were however invalidated, and therefore, he had approached the Maharashtra Administrative Tribunal. The Tribunal dismissed his original application by recording that no fault lies in the

invalidation of his certificate in terms of the Government Resolution. Subsequently, the petitioner produced another certificate of participation in Soft Ball and learned counsel for the petitioner placed reliance on the directions issued by the State Government to the Directorate of Sports and Youth, Maharashtra State as contained in the letter dated 13.10.2010, which would enable the sports person to produce certificate for the second time and if such sports certificate is found valid on the date of application for recruitment, then such certificate submitted subsequently should be taken into consideration for appointment in the Government Services since the other certificates are already submitted. The petitioner submitted the second certificate in the year 2016. However, in the meanwhile, the entire process of selection in pursuance to the advertisement issued to the respondent no.2 in the year 2011 is already over.

2. Learned APP makes a statement that there is no post available to accommodate the 5% reservation. In such circumstances, we are left with no other alternative but to dismiss the writ petition. The writ petition is accordingly dismissed.

3. In view of dismissal of writ petition, Civil Application No.1061 of 2018 will not survive for consideration and the same is also dismissed.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]