

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1213 OF 2021

- 1) Shri Nilesh Kishorraoji Dhongde,
aged about 20 years, occupation :
service, r/o at Post Allipur, Taluq
Hinganghat, District Wardha.
- 2) Shri Pramod Padmakar Derkar,
aged about 26 years, occupation :
service, r/o Shraddhanagar, Ward
No.1, Tukum, Chandrapur.
- 3) Mohsin Abdul Majid Shaikh,
aged about 30 years, occupation :
student, r/o at Post Bagadkhidki,
Raja Chowk Ward, Chandrapur.
- 4) Shri Ramchandra Antuji Bawane,
aged about 32 years, occupation :
student, r/o Ravi Nagar, Nagpur.
- 5) Shri Ajay Raghunath Jadhav,
aged about 24 years, occupation :
student, r/o Markalmetha,
Taluq Jiwti, District Chandrapur.
- 6) Shri Pravin Ananta Bawale,
aged about 26 years, occupation :
student, r/o Nanak Pathar,
Taluq Jiwti, District Chandrapur.
- 7) Shri Pradeep Shesherao Bawale,
aged about 29 years, occupation :
student, r/o Nanak Pathar,
Taluq Jiwti, District Chandrapur.
- 8) Shri Avinash Raosaheb Pawar,
aged about 24 years,
occupation : student, r/o Paldoha,

at Post Tekamandwa, Taluq Jiwti,
District Chandrapur.

... Petitioners

- Versus -

- 1) The State of Maharashtra, through its Secretary, Sports and Youth Services Department, Mantralaya, Mumbai-32.
- 2) Commissioner of Sports and Youth Services, Maharashtra State, Shiv Chhatrapati Krida Sankul, Mhalunge, Balewadi, Pune.
- 3) Deputy Director of Sports and Youth Services, Nagpur.
- 4) Maharashtra Association for Canoeing and Kayaking, through its Secretary, having its office at Shirsam, at Post Makhani, Taluq Gangakhed, District Parbhani – 431514.

... Respondents

Shri S. Bhende, Advocate for petitioners.

Smt. K.S. Joshi, I/c. Government Pleader for respondent nos.1 to 3.

CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.

DATED : OCTOBER 11, 2021

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Heard Shri Bhende, learned Counsel for the petitioners, and
Smt. Joshi, learned I/c. Government Pleader for the respondent
nos.1 to 3.

2) Rule, returnable forthwith. Heard finally by consent of the learned Counsel appearing for the parties.

3) The contention of the petitioners is that their sports eligibility certificates have been cancelled by passing non-speaking and unreasoned orders and that too, not on final consideration of the material available, but only upon prima facie consideration thereof, which is not permissible in law.

4) Smt. Joshi, learned I/c. Government Pleader for the respondent nos.1 to 3, states that an alternate remedy in the nature of appeal before the Joint Director, Directorate of Sports and Youth Services, Pune has been provided and the petitioners are well aware of it as they were informed about existence of remedy of appeal vide impugned communications.

5) A bare perusal of the impugned communications does show that remedy of appeal is available and it would be appropriate that this petition is sent to the Joint Director, Directorate of Sports and Youth Services, Pune treating it as an appeal, for appropriate decision. Accordingly, the petition is partly allowed. The Joint

Director, Directorate of Sports and Youth Services, Pune is directed to treat this petition as an appeal filed before him and decide the same in accordance with law, after giving due opportunity of hearing to the petitioners, within two weeks from the date of appearance of the petitioners. The petitioners to appear before the Joint Director, Directorate of Sports and Youth Services, Pune on 25th October, 2021. Rule accordingly. No costs.

JUDGE

JUDGE

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