

Digitally
signed by
TRUSHA
TUSHAR
MOHITE
Date:
2022.07.29
16:59:04
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2713 OF 2021

Swapnil Balasaheb Dhamdhare

..... Petitioner

Vs.

State of Maharashtra and Ors.

..... Respondents

Mr. Vishwajit P. Sawant, Senior Advocate along with Mr.Prabhakar
M. Jadhav for the Petitioner

Mrs.S.S.Bhende, A.G.P. for the State

**CORAM: S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : JULY 26, 2022

P.C.

1 We have heard the learned Counsel for the Petitioner and the
learned A.G.P.

2 Petitioner has not challenged the appointment of Respondent
no.3.

3. The Petitioner contends that the G.R. dated 16.05.2017 is
discriminatory. The said G.R. only considers wrestling and not other
sports. Discrimination cannot be made between different sports.
According to the learned counsel, the said G.R. violates Article 14 of

the Constitution of India.

4. Deputy Secretary, School Education and Sports Department, Mantralaya, Mumbai has filed an affidavit. Paragraph 7 of the affidavit reads thus:

“7. I submit that, the Petitioner to Mr.Damdhere does not fulfill the criteria as prescribed in GR dated 9.12.2010 or G.R. dated 16.5.2017 for appointment to the Group-A post. However, a proposal to revise the existing policy of direct appointment of sports person, is under consideration of this department. After final decision regarding this, Petitioners proposal can be scrutinized again.”

5 Simply by setting aside the G.R. Petitioner would not stand to benefit. The Petitioner has not challenged the appointment of Respondent no.3.

6 In light of that, the challenge to the impugned G.R. would be only academic. This court cannot in exercise of its powers under Article 226 of the Constitution of India direct inclusion of particular sports in the G.R.

7 In view of affidavit filed by said authority and paragraph 7

referred to above, the said Respondent authority may consider the proposal to revise the existing policy of direct appointment of sports person and thereafter, take final decision with regard to the Petitioner's proposal. We hope the same to be done expeditiously.

8 Writ Petition is disposed of. No costs.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)