

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

WRIT PETITION NO. 6545 OF 2006

Harshad Mahadeorao Burbure,
Aged : 26 years, Occupation : Nil
R/o Ranade Plot, Radha Krupa Chowk,
Ward No.30, Wardha

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.. Petitioner

Versus

- 1) State of Maharashtra,
Through Secretary Ministry of Sports and
Education, Mantralaya, Mumbai – 32
- 2) The Director of Sports and Youth Services,
Maharashtra State, Pune
- 3) The District Collector and Chairman Selection
Committee, Wardha
- 4) The Chief Executive Officer,
Zilla Parishad, Wardha
- 5) The District Live Stock Development Officer,
Zilla Parishad, Wardha
- 6) Mr. Kiran Bharat Amrutkar,
Aged : Major,
R/o Madani (Dindoda) Dist. Wardha.

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.. Respondents

Mr. A. K. Waghmare, Advocate for petitioner.

Ms. S. S. Jachak, AGP for respondents Nos.1 to 3.

Mr. J. S. Mokadam, Advocate for respondent Nos.4 and 5.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : 04/01/2022

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

Heard. **Rule.** Rule made returnable forthwith.
Heard finally by consent of the learned counsel for the parties present before the Court.

(2) It is seen that the petitioner who was selected as suitable candidate for being appointed to the post of Live Stock Supervisor (Group 'C' post) from sports quota, was later on, during document verification, found to be ineligible, as it was found by the Director of Sports and Youth Services, Maharashtra State i.e. respondent No.2 that the tournament organized by Wardha District Throw Ball Association for Maharashtra State Throw Ball Championship in which the petitioner obtained Gold Medal, was organized by an Association not affiliated to Maharashtra Olympic Association which was the necessary requirement of the Government Resolution dated 30/04/2005. However, this very Government Resolution, as pointed out by learned counsel for the petitioner prescribes that decision in this regard has to be taken on the basis of verification report given by none other than the Director of Sports and Youth Services, Maharashtra State himself and after obtaining prior

consent of Sports Department and General Administration Department. Relevant provision in this regard has been made in paragraph 7(4) of the Government Resolution dated 30/04/2005.

(3) In this case, admittedly, or at least as seen from the stand taken in the reply as well as the impugned order, prior consent of Sports Department and General Administration Department has not been obtained before the petitioner was declared to be ineligible. It is also seen that the Director of Sports and Youth Services, Maharashtra State has not submitted his report as required by Government Resolution dated 30/04/2005, at least it is not referred to in the reply filed on behalf of any of the respondents and its copy has not been filed on record. Therefore, the decision declaring the petitioner ineligible for filling the sportsman quota for the post of Live Stock Supervisor is bad-in-law and it deserves to be quashed and set aside.

(4) The Petition is therefore, partly allowed. The impugned decision is hereby quashed and set aside.

The matter is remanded back to respondent Nos.1 and 2 for fresh decision in accordance with law in the matter, within a

period of **two months** from the date of this order.

The petitioner is directed to submit the original certificate to the respondent No.2, if returned to him by respondent Nos.2 and 3. The petitioner is at liberty to place before the respondent No.2 documents in proof of Maharashtra Throw Ball Association or Wardha District Throw Ball Association having been affiliated to Maharashtra Olympic Association.

Rule accordingly. No costs.

[ANIL L. PANSARE, J.]

[SUNIL B. SHUKRE, J.]

KOLHE