

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

983 WRIT PETITION NO.6268 OF 2023

SANDIP HIMMATRAO BHAGAT
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Chalak Amol Balasaheb
AGP for the respondent – State : Mr. A.S. Shinde
Advocate for the respondent no. 2 : Mr. S.S. Gangakhedkar
Advocate for respondent no. 5 : Mr. D.K. Rajput
...

**CORAM : MANGESH S. PATIL &
S.G. CHAPALGAONKAR, JJ.**

DATE : 13 JUNE 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

Heard the learned advocate for the petitioner, learned AGP for the respondents no. 1, 3 and 4, Mr. Gangakhedkar for respondent no. 2 and Mr. Rajput for respondent no. 5 who appears *suo motu* finally.

2. The petitioner is challenging the order dated 1 June 2023 whereby the sports validation certificate issued to him on 20-02-2020 so as to make him eligible for reservation against 5% quota available with the respondent no.2 has been ordered to be cancelled.

3. After hearing the parties for some time, it appears that by the Government resolution dated 30-06-2022 in the Department of

School Education and Sports, the Government has inter-alia provided the fora for entertaining the grievances in respect of the complaints regarding issuance of sports certificate.

4. It appears that the impugned order has been passed by the Committee pursuant to the provision contained in paragraph 5.1.1. It is explicitly clear from paragraph 5.1.2 that the order passed by the Committee under paragraph 5.1.1 is susceptible to challenge before the appellate committee. There is a provision for a second appeal in paragraph 5.1.2.

5. In our considered view, the submission of the learned advocate for the petitioner as to the absence of any power to revoke the validity certificate once granted can be considered by the appellate committee.

6. The learned advocate for the petitioner as also the learned advocate for the respondent no. 5 on whose complaint the impugned order has been passed fairly concede before us that if the petitioner prefers an appeal before the first appellate committee under paragraph 5.1.2, both the sides would co-operate the appellate committee in deciding the appeal expeditiously.

7. Since it is a matter of reservation in respect of appointment with the respondent no. 2, we allow the writ petition partly keeping

open the avenue for the appellant to challenge the selfsame order before the appellate authority under paragraph 5.1.2 and directing the appellate committee to decide the appeal within 15 days from the date of this order.

8. Needless to state that the appeal would be decided within the stipulated time and the parties would co-operate.

9. Till then, the respondent no. 2 shall keep the post vacant and would proceed with the recruitment on reaching finality of the decision to be taken by the appellate committees.

[S. G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/