

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

WRIT PETITION NO.10165 OF 2023

Ganesh Somnath Navale | .. Petitioner

Vs.

- | | | |
|--|--|----------------|
| 1. The State of Maharashtra, | | |
| Through School Education & Sports Department | | |
| 2. Maharashtra Olympic Association, Pune | | |
| 3. Maharashtra Amateur Gymnastics Association, | | |
| Aurangabad | | |
| 4. Gymnastics Federation of India, Manipur | | .. Respondents |

Mr. Ganesh K. Gole, with Mr. Viraj Shelatkar, for the Petitioner.

Mr. V.M. Mali, AGP for the Respondents–State.

**CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ**

DATE : 24TH AUGUST, 2023.

ORAL JUDGMENT : { Per Sunil B. Shukre, J. }

1. RULE. Rule made returnable forthwith. Heard finally, by consent of learned counsel for the respective parties.

2. We find that the claim of the petitioner, who was competing through the category of “Gymnast in the discipline of Artistic Gymnastics”, has been rejected, without taking into account the circumstances in which the 3rd National Championship was held during the qualifying period. Although, in similar circumstances, or, to be precise, in the case of one Sagar Dashrath Sawant, who was granted Shivchhatrapati State Sports Award for the year 2017–18, his

participation in two national events only has been considered as sufficient for conferment of the award upon him. It appears that there is a discrimination as well as arbitrariness on the part of the Award Selection Committee and, therefore, rejection of the claim of the petitioner by the said committee would have to be quashed and set aside. Accordingly, we pass the following order :-

- (i) The petition is allowed. The rejection of the claim of the petitioner by the Award Selection Committee is hereby quashed and set aside and the matter is remanded back to the committee for fresh consideration and decision in accordance with law and keeping in view the applicable guidelines, rules and also in the light of the observations made here-in-above.
- (ii) Before taking decision, as directed here-in-above, the Award Selection Committee shall grant hearing to the petitioner, for which purpose the petitioner shall appear before the committee on 25th August 2023 at 2:00 p.m.
- (iii) The Award Selection Committee shall take its decision latest by the evening of 26th August 2023 and communicate the same to the petitioner and other similarly situated petitioners, whose claims have been directed to be reconsidered in accordance with law by the committee.

3. Rule is made absolute in the above terms. No costs. Petition is disposed of.

[FIRDOSH P. POONIWALLA, J.]

[SUNIL B. SHUKRE, J.]