

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 271 OF 2017

Shri Pravin Kisan Lad, }
Age 26 years, R/O:- Ladwadi, }
Tal:- Radhanagri, Dist:- Kolhapur } ... Petitioner.

V/s.

1. The Director of Sports, }
[M.S] Pune having office at Pune }

2. The Chairman, }
Maharashtra Public Service }
Commission, [M.S.], Mumbai, }
having office at Cooperage }
Telephone Nigam bldg., M.K. Road }
Mumbai 400 021 } ... Respondents.

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Mr. Amit Karle for the Petitioner.
Mr. B. V. Samant, AGP for the State.

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**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE: 12 September 2023.

P.C.:

By this Petition, the Petitioner has challenged the order passed by the Maharashtra Administrative Tribunal dated 11 August 2016 in Original Application No. 389 of 2015. The Tribunal, by the impugned order, rejected the Original Application.

2 The Petitioner applied to an advertisement issued by Respondent No. 2- Maharashtra Public Service Commission for the post of Police Sub-Inspector dated 5 July 2012. The Petitioner had sought the post through a quota of 5% carved out by the Government Resolution dated 30 April 2005 and subsequent Government Resolutions, which enabled the candidates with sports certificates to be appointed from the said quota. The Petitioner participated in the 1st South and South East Asian International Men, Women and Mini-Mix Doubles Ball Badminton Championship held in Bangkok, Thailand, between 19 February 2012 to 22 February 2012. The Petitioner sought an appointment from this quota based on a certificate issued and signed by the President, the Secretary, and the Organizing Secretary dated 22 February 2012 certifying that the Petitioner had participated in the 1st South and South East Asian Ball Badminton Championship held at Bangkok, Thailand. The Petitioner was not granted the appointment from the said sports quota as the Respondents did not accept the certificate produced by the Petitioner, questioning its validity, stating that the organization which had issued the certificate was not recognized.

3 Under the policy in Government Resolution dated 30 April 2005 and the others of the State Government, the certificates have to be in respect of the sports recognized *inter alia* by the Indian Olympic Association itself or an International Sports Federation affiliated to the International Olympic Association. According to the Petitioner, his event was duly recognized, and the Petitioner also

contends that there are certain positive steps taken by the State Government by issuing the Government Resolution on 30 December 2013, whereby the sports persons, such as the Petitioner, who faced with the predicament of their organizations being de-recognized were granted certain relief. The respondents contended that the championship in which the Petitioner participated was held by an organizer whose office bearers were not recognized by the Government of India, and the certificate was not a due certificate as contemplated under the Government Resolution. The Tribunal took into consideration the documents placed on record, including the order passed by the Government of India, Ministry of Youth Affairs and Sports dated 18 April 2012, to conclude that the certificate issued by the Ball Badminton Federation of India in favour of the Petitioner would not entitle the Petitioner to the benefit of the sports quota under the Government Resolution dated 13 April 2005. Being aggrieved, the Petitioner is before us.

4 The learned Counsel for the Petitioner has heavily relied on the Government Resolution dated 30 December 2013 and contends that the State Government has taken note of the anomalous position that had taken place where sports persons were unaware of the fact that the organizing body does not have recognition had participated in the same and despite succeeding in the tournaments their certificates have not been considered under the sports quota. The learned Counsel submitted that taking note of this position, the State

Government has directed that on those events that have taken place after February 2011 and the certificates of those sports persons who succeeded in these events and whose certificates were cancelled up to 31 December 2013 can be sent for verification up to 28 February 2014, but not thereafter. The learned Counsel for the Petitioner submitted that it is clear from this Government Resolution that the Petitioner's certificate will have to be considered valid, as the Petitioner had participated in these sports events from 10 to 12 February 2012 and had also sent the certificate for verification before the stipulated date. The learned Counsel submits that the Government Resolution dated 30 December 2013, therefore, fully covers the case of the Petitioner. The learned Counsel for the Petitioner submitted that after the certificate was sent for verification, it was rejected by Respondent No. 1- Director of Sports by order dated 12 March 2015, holding that the certificate is not valid. It is submitted that the view taken by the Director of Sports is contrary to the decision taken by this Court in Writ Petition No. 5947 of 2013, dated 25 July 2018.

5 The learned AGP submitted that the Government Resolution dated 30 December 2013 does not and cannot hold that all candidates, such as the Petitioner, are held to be eligible only because they were unaware of the fact that the organizing body did not have recognition. The learned AGP submitted that had it been the case, the Government Resolution would have been worded differently. He

submits that upon verification, the order has been passed rejecting the claim of the Petitioner, and there is nothing wrong with the view taken by the Director of Sports and the Tribunal.

6 First, we note the position as of today and the Petitioner's conduct. The Petitioner had participated in the recruitment process of the year 2012. The Petition was filed in the year 2017. The Petition was adjourned at the instance of the learned Counsel for the Petitioner on innumerable occasions. Only after we refused further adjournment and listed the Petition for dismissal is the Petition now sought to be argued in the year 2023. The Petitioner seeks a direction that he be appointed through sports quota. With reference to the selection process of the year 2012, as to what is the stage of the selection process is not placed before us. We are informed that the Petitioner is now age-barred. We cannot overlook the passage of a decade and the manner in which the Petition is being prosecuted when the Petitioner invokes equity jurisdiction.

7 Even on merits, there is no case made out by the Petitioner. The interpretation placed by the Petitioner of the Government Resolution dated 30 December 2013 is erroneous. The State Government, though, has considered the hardship to the sports persons based on the position that the de-recognition of the organization may not have been brought to the notice of the sports persons, has not declared all such sports persons who have been granted certificates by the de-recognized organization valid. Had it

been so, there would have been a considered policy decision by the State Government stating that all those sports events after February 2014 where applicants had participated and were granted certificates by de-recognized institutions are eligible to be appointed through sports quota. Such a Government Resolution could not have been issued and would have been contrary to public interest. Therefore, the Government Resolution only states that there shall be a facility for verification of the certificates for a limited period. The Government Resolution dealt with 31 different sports, and each sport had a different background dealing with the de-recognition of the organizations associated with that sport.

8 Regarding the Ball Badminton Federation of India, a detailed order was passed by the Government of India, Ministry of Youth Affairs and Sports, on 18 April 2012, dealing with the grant of recognition to the sports federation. When pursuant to the Government Resolution dated 30 December 2013, the Petitioner's certificate was sent for verification; the Deputy Director noted that from 2004 to 2012, the issue regarding recognition of Ball Badminton Sports and National Organization associated with was subjudice by a letter dated 18 April 2012 of the Ministry. Based on this material, the Deputy Director came to the opinion that the event in which the Petitioner had participated was not a recognized international event. The Tribunal, having considered this interpretation placed by the Deputy Director and the fact that the

verification was carried out after the Government Resolution of 30 December 2013, accepted the same. The fact is that during the period between 2004 and 2012, the Central Government did not consider the National Organization conducting this event as authorized to conduct the same. That being the position, the certificate which the Petitioner relied upon being of the date 22 February 2012, having fallen in the said period, could not have been held to be recognized.

9 The Petitioner has relied upon the decision dated 25 July 2018 in the case of *Satyajit Mahadeo Chavan V/s. The State of Maharashtra and Others* in Writ Petition No. 5947 of 2013 rendered after the impugned order. This decision rendered on 25 July 2018 follows the decision of the Division Bench at Aurangabad in the case of *Suraj Majidsab Shaikh V/s. The State of Maharashtra and Others* in Writ Petition No. 5556 of 2011 dated 12 March 2012. Based on this decision, the Division Bench held that the Petitioner therein was eligible and that the Division Bench, in the order dated 12 March 2012, had held that the Indian Olympic Association had certified the Ball Badminton Federation of India as the recognized body.

10 The decision dated 12 March 2012 in Writ Petition No. 5556 of 2011 was relied upon by the Petitioner before the Tribunal, and the Tribunal has dealt with the same in the impugned order. The Tribunal has observed that the order dated 18 April 2012 passed by the Government of India, referred to in the order passed by the

Deputy Director, was after the decision of the Division Bench on 12 March 2012. It was also held that the Division Bench, therefore, could not have been apprised of the fact that the Government of India had suspended recognition to either of the factions from 2004 to 2012. Therefore, the Tribunal, in our opinion, had rightly distinguished the decision of the Division Bench of this Court rendered in Writ Petition No. 5556 of 2011, which is the basis of the subsequent decision in Writ Petition No. 5947 of 2013.

11 In light thereof, considering the totality of circumstances, we do not find that there is a case made out to set aside the impugned order of the Tribunal.

12 The Writ Petition is dismissed.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)