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MOHITEDate: 2024.02.06
15:04:04 +0530IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16598 OF 2023

Komal Ramesh Kirave

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

WITH

WRIT PETITION NO. 1466 OF 2024

Rajeshree Raju Gugale

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr.Vaibhav Ugle a/w Mr.Vikas Somawanshi, Mr.Roshan Chavan and
Mr.Shubham Vasekar for the Petitioner

Mr.S.D.Vyas, Addl.G.P. a/w Ms.P.J.Gavhane, A.G.P. for the State

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.

DATED: 05 February, 2024

P.C.

- These Petitions under Article 226 of the Constitution of India are filed praying for the following reliefs:

"a) That this Hon'ble Court be pleased to issue appropriate writ, order and direction directing the Respondents to forthwith issue "Shiv Chatrapati Rajya Krida Puraskar" for the year 2020-21 to the petitioner under the category of "Women Water Polo" sport on such terms as this Hon'ble Court may deem fit and proper.

b) That this Hon'ble Court be pleased to issue appropriate writ, order and direction directing the respondents to consider that petitioner is eligible in Water Polo game for getting "Shiv Chatrapati Rajya Krida Puraskar" for the year 2020-21 on such terms as this Hon'ble Court may deem fit and proper.

c) That this Hon'ble court be pleased to issue appropriate writ, order and direction directing to respondents to relax qua the petitioner, in government resolution dated 14 Dec, 2022 clause/rule 15 in Appendix

A-3 ("Shiv Chatrapati Rajya Krida Puraskar" (Sportspersons) on such terms and condition of this Hon'ble court may deem fit and proper.

d) That this Hon'ble Court be please to issue appropriate writ, order and direction directing the Respondent No.1 to forthwith hold necessary inquiry in respect of representation made by the Petitioner vide representation dated 22nd Aug, 2023 and subject to outcome of such inquiry, necessary action be initiated against the concerned persons."

2. There is also a prayer for interim relief to stay the proceedings for issuance of the "Shiv Chatrapati Rajya Krida Puraskar" which are to be held on 19th February 2024. We note that, before the Petitioners approached this Court praying for a writ of mandamus under Article 226 of the Constitution of India, the Petitioners ought to have approached Respondent No.1, the State of Maharashtra, through Principal Secretary, Ministry of Education and Sports, by filing a substantive representation setting out their grievances and making a demand for justice.

3. In these circumstances, it would be appropriate if the Petitioners would make a substantive representation to Respondent No.1, the State of Maharashtra, through Principal Secretary, Ministry of Education and Sports, within three days from today. On such representation being made, the Principal Secretary, Ministry of Education and Sports, is directed to hear the Petitioners and pass an appropriate order within one week of such representation being made, so that the representation would stand decided prior to the ceremony which would be held on 19th February 2024.

4. Keeping open all contentions of the parties, Petition is disposed of in the aforesaid terms. No costs.

5. Parties to act on an authenticated copy of this Order.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)