



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14948 OF 2025

Akash Kumar Chougule

... PETITIONER

VERSUS

1. The State of Maharashtra,
through its Principal Secretary,
Department of Sports and
Youth Affairs, Mantralaya,
Mumbai – 400032.
2. The Commissioner of Sports
and Youth Services, Maharashtra State,
Shiv Chhatrapati Sports Complex,
Mahalunge - Balewadi, Pune-411045
3. The Joint Director of Sports
and Youth Services, Maharashtra State,
Shiv Chhatrapati Sports Complex,
Mahalunge - Balewadi, Pune-411045.
4. The Deputy Director of Sports
and Youth Services, Pune Division,
Shiv Chhatrapati Sports Complex,
Mahalunge - Balewadi, Pune-411045.
5. The Dean,
Dr. Shankarrao Chavan, Government
Medical Collage and Hospital,
Vishnupuri, Nanded-431606

... RESPONDENTS

...
Advocate for the Petitioner : Mr. Abhijeet V. Thombre
AGP for Respondent/State : Mr. PK. Lakhotiya

CORAM

...
: KISHORE C. SANT AND
ABASAHEB D. SHINDE, JJ.

DATE

: 11.12.2025

JUDGMENT (ABASAHEB D. SHINDE, J.) :

1. Heard learned counsel for the petitioner as well as learned
AGP appearing for the respondents.

2. By this writ petition under Article 226 of the Constitution of India, the petitioner is taking exception to the impugned order dated 05.12.2025, passed by the learned Maharashtra Administrative Tribunal, Aurangabad (for short the learned Tribunal) dismissing the original application filed by the petitioner summarily.

3. Factual matrix of the matter are as follows :

- i. It is contention of the petitioner that pursuant to advertisement issued by the respondent No.5 herein, the petitioner applied for the post of Staff Nurse from the open (sportsman) category and after following the due procedure of law the petitioner came to be appointed. It is also case of the petitioner that the petitioner accordingly joined on the post of staff nurse with respondent No.5 on 30.04.2019. The petitioner contends that the validity of the sports certificate obtained by the petitioner has been verified not once but twice, however, the respondent No.4 herein issued a notice on 22.12.2021 for hearing in respect of verification of the sports certificate of the applicant to be held on 28.12.2021. On certain occasion the petitioner could not remain present before the respondent No.4 authority, however, the respondent No.4 authority passed an order on 02.06.2022, thereby cancelling the sports certificate issued in favour of the petitioner.

- ii. It is further contention of the petitioner that the order dated 02.06.2022 was challenged before this Court by filing Writ Petition No.7014/2022, wherein, this Court by an order dated 27.07.2022 permitted the petitioner to approach the appellate authority and the appellate authority was directed to decide the appeal considering the fact that the petitioner is in service. It is further contended that as the service of the petitioner was protected in terms of liberty granted by this Court the petitioner approached the appellate authority, however, by virtue of order dated 02.06.2022, as the show cause notice was issued to the petitioner on 19.08.2022, by the respondent No.5, the petitioner approached the learned Tribunal by way of Original Application No.754/2022. The learned Tribunal was pleased to pass an interim order, thereby, directing the respondent authorities not to take any adverse action against the petitioner. The appeal preferred by the petitioner in terms of liberty granted by this Court came to be dismissed by the respondent No.3 appellate authority by an order dated 30.06.2023. By virtue of dismissal of the appeal filed by the petitioner by first appellate authority the petitioner has filed second appeal before the respondent No.2 herein. As far as the Original Application No.754/2022 is concerned, by an order dated 20.08.2025 the learned Tribunal disposed of the

said Original Application by extending the interim relief expecting the respondent No.2 the second appellate authority to decide the appeal filed by petitioner.

- iii. The said order dated 30.06.2023 was subjected to Second Appeal before the respondent No.2 herein. The Original Application No.754/2022 filed by the petitioner challenging the show cause notice, came to be disposed of on 20.08.2025 by extending the interim relief and by directing the respondent No.2 second appellate authority to decide the said appeal.
- iv. The second appeal ultimately came to be dismissed by an order dated 06.11.2025 confirming the earlier invalidation of the sports certificate of the petitioner.
- v. The petitioner, therefore, challenged the order dated 06.11.2025 before learned Tribunal by way of Original Application No.1256/2025 and the learned Tribunal by impugned order dated 05.12.2025 dismissed the same and, therefore, the petitioner is before this Court.

4. Learned counsel for the petitioner submits that the petitioner in fact has participated in State Softball Championship. The sports certificate has been issued in favour of the petitioner and the result sheet of the said tournament shows that the petitioner secured third position. Initially, the said sports

certificate has already suffered the scrutiny on two occasions and now again the verification of said sports certificate is uncalled for. In the first place, the first appellate authority and so also the second appellate authority without giving sufficient opportunity of hearing held that the sports certificate possessed by the petitioner is invalid. It is further contended that though all these aspects were agitated before the learned tribunal, the learned tribunal, however, by impugned order dismissed the Original Application filed by the petitioner. It is further contended that the learned Tribunal committed an error by not deciding the issue in its proper perspective. The learned counsel for the petitioner submits that by virtue of dismissal of the original application, the orders of invalidation of his caste claim would stand revived and the petitioner's services are likely to be terminated and, therefore, urged for allowing the writ petition.

5. Per contra, the learned AGP for the State would submit that the petitioner obtained the employment with respondent No.5 from the open (sportsman) category on the basis of a fake sports certificate. As the petitioner has obtained the employment with respondent No.5 from the open (sportsman) category, the employer of the petitioner was within its power to seek verification of the said sports certificate. In the verification the sports certificate of the petitioner was found to be fake. It is

further contended by the learned AGP that though the petitioner was given sufficient opportunity, the petitioner deliberately did not avail the same and now the petitioner cannot make a grievance that he is not given sufficient opportunity of hearing. The learned AGP would further submit that the learned tribunal has perused the record and found that the sports certificate of the petitioner is fake. The learned AGP, therefore, submits that there is no substance in the writ petition and the writ petition deserves to be dismissed.

6. After having heard learned counsel for the petitioner and the learned AGP for the State as well as perusal of documents annexed with the writ petition, we find that the petitioner got appointment as Staff Nurse Class-III with respondent No.5 from open (sportsman) category on the basis of the sports certificate relied upon by the petitioner. The respondent No.5 decided to get the said certificate verified and it is found that the sports certificate of the petitioner is fake. The petitioner though filed first appeal, the same came to be rejected so also the second appeal filed by the petitioner has also been dismissed. We have also perused the impugned order dated 05.12.2025 passed by the learned Tribunal while dismissing the Original Application of the petitioner. We find that the learned Tribunal after going through the entire record has arrived at a finding that the authorities found the sports certificate

of the petitioner to be fake. The learned Tribunal in paragraph No.15, 16 and 17 of the impugned order has observed thus :

“15. By order dated 06.11.2025, the respondent no. 02, the Commissioner of Sports & Youth, M.S., Pune, has confirmed the order and dismissed the second appeal of the applicant. Though the learned counsel for the applicant has vehemently submitted that the principles of natural justice have not been followed and no opportunity of hearing was given to the applicant in the second appeal, we find that it is an usual strategy of the applicant to remain absent in the hearing. Even the order dated 02.06.2022, which was impugned before the second appellate authority, the same ground was taken that an opportunity of hearing was not given to the applicant. However, though hearing was adjourned on 04 dates i.e. on 28.12.2021, 10.01.2022, 24.02.2022 and 25.05.2022, the applicant remained absent before that authority. Similarly, on 17.10.2025 when the hearing of second appeal was fixed before the second appellate authority, the applicant remained absent before the second appellate authority and also raised the same ground about not following the principles of natural justice.

16. We have carefully gone through the impugned order dated 06.11.2025 passed by the respondent no. 02, the Commissioner of Sports & Youth, M.S., Pune. In paragraph no. 04 of the said order, the second appellate authority has observed, which is in vernacular, as under:-

" ४. फेरपडताळणी दरम्यान, महाराष्ट्र महा स्टेट सॉफ्टबॉल असोसिएशनच्या सचिवांकडून या प्रकरणाबाबत दिनांक १२. ०२. २०२१ व. ०८. ०९. २०२२ रोजी अहवाल प्राप्त झाले आहेत, जे अत्यंत महत्त्वाचे आहेत:

- असोसिएशनने स्पष्ट केले आहे की, पडताळणीसाठी आलेल्या अनेक खेळाडूंची प्रमाणपत्रे खोटी (fake) आहेत.
- या खोट्या प्रमाणपत्रांच्या यादीत अपीलार्थी श्री. आकाश कुमार चौगुले यांचे नाव अनुक्रमांक ४२ वर आहे.
- असोसिएशनने निःसंदिग्धपणे कळविले आहे की, अपीलार्थीच्या प्रमाणपत्रावरील क्रमांक, राज्य संघटनेचे प्रतिज्ञापत्र, त्यावरील शिक्रे व सही सर्व खोटे आहेत.
- अपीलार्थी यांनी राज्य संघटनेच्या नमूद राज्य किंवा राष्ट्रीय स्पर्धेत सहभाग घेतलेला

नाही हे या वरून स्पष्ट होत आहे. "

17. It appears from the said paragraph no. 04 of the impugned order that the Secretary of Maharashtra State Softball Association has submitted the report, wherein it is stated that the sports certificates issued in favour of various players allegedly participated in the sports event found fake. In the list of such sports players having fake sports certificates, the name of the applicant is appearing at sr. no. 42. It is further clarified by the Secretary of Maharashtra State Softball Association that the number mentioned on the sports certificate, the affidavits submitted by the Maharashtra State Softball Association and seal and signatures thereon are false and bogus."

7. In view of above observations of the learned Tribunal in the aforesaid paras, we, do not find any perversity or error in the impugned order passed by the learned Tribunal while dismissing the original application filed by the petitioner nor this Court while exercising the jurisdiction under Article 226 of the Constitution of India would substitute the findings arrived at by the learned Tribunal merely because another view is possible. We, therefore, find that the writ petition sans merit and the same is liable to be dismissed *in limine*.

8. The writ petition stands dismissed. No order as to costs.

(ABASAHEB D. SHINDE, J.)

(KISHORE C. SANT, J.)