

WRIT PETITION NO. 14185 OF 2024

Mr.Satyajeet A.Rajeshirke for the Petitioner.
Mr.A.K.Naik, AGP for Respondent Nos.1 to 4, State.
Mrs. S.Jachak for Respondent Nos. 5 and 6- Zilla Parishad.

DATE : 29TH JANUARY, 2025

P.C. :-

1. The learned Advocate representing the Zilla Parishad, Buldhana has travelled a long distance from Nagpur to Bombay only for this matter and since it was not listed on today's board, she mentioned the matter at 10.30 am. Hence, we have taken this matter on production board.

2. The learned Advocate for the Petitioner submits that the Petitioner's sports certificate was earlier validated by Respondent No.2, after due scrutiny. Subsequently, it was invalidated by the

same Authority. She had applied from the sports quota for the post of Primary Teacher, Zilla Parishad on the basis of the validated sports certificate. Due to the invalidation of the certificate, without any Authority, she lost opportunity to be appointed through the sports category. He, therefore, submits that since she has scored 107 marks and the cutoff marks for Buldhana Zilla Parishad is 104, she has every chance of an appointment.

3. The learned Advocate for the Zilla Parishad submits that it is for Respondent No.4, who is the Authority, to consider the case of the Petitioner from the open/general category by ignoring her sports certificate. The Petitioner relies upon a judgment delivered by this Court in *Vijay Appaso Dhavale versus State of Maharashtra and Others, 2021 SCC OnLine Bom 6071*, which has been sustained by the Hon'ble Supreme Court, vide order dated 21st February, 2022 passed in SLP (Civil) No. 2367 of 2022 and the SLP was dismissed.

4. The learned AGP submits that he would make a statement on instruction within one week.

5. List this Petition for considering the statement and passing order on **6th February, 2025.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)