

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 949/2016  
[Dinesh Deepal Kachare & Ors. Vs. The State of Mah. & Ors.]**

**CORAM : Hon'ble Shri J.D. Kulkarni, Member(J).**

**[This matter is placed before Single Bench due to non-availability of Division Bench]**

**DATE : 28.12.2016**

**ORAL ORDER:**

Heard Shri H.A. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The applicant has applied for the post of Police Constable under Sportsman category. It is stated that the applicant has been selected. However, his sports certificate was send for verification and the said certificate was not approved by the Assistant Directorate of Sports and Youth Services, Maharashtra State, Pune, on the ground that the association which organized the sports event was not affiliated to the Maharashtra Olympic Association. Against the said order, the applicant has filed appeal before the Commissioner, Sports and Youth Services, Maharashtra State, Pune. The said appeal has also been rejected on 21.11.2016. The applicant has therefore, challenged both these communications.

3. According to the learned Advocate for the applicant, the affiliation of Maharashtra Olympic Association is not necessary in view of the G.R. dated 14.07.2009. However, this fact is not considered by the appellate authority as well as by the lower authority. Though, this issue seems to have been raised by the applicant vide letter dated 03.10.2016, the same is not part and parcel of appeal Memo. In such circumstance, it is necessary to obtain say of the respondents on the contention of the applicant.

4. The learned Advocate for the applicant submits that there is every possibility that the applicant may not be appointed to the post, since his sports certificate has been invalidated and in that event, the applicant may suffer irreparable loss. He claims for stay, however, it is not a fit case to grant stay. However, it is made clear that the appointment to the post of Police Constable, on Open Sportsman category if made otherwise it may be subject to outcome of this O.A.

5. In view thereof, issue notices to the respondents, returnable on 01.02.2017.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

10. Steno copy and Hamdast is allowed to both parties.

11. S.O. to 01.02.2017.

**MEMBER (J)**