

(2011) 11 KAR CK 0024

In the Karnataka High Court

Case No : Writ Petition No. 1452 of 2007 (S-KAT)

Sri Sanjay G Lingadalli

APPELLANT

Vs

The State of Karnataka and Sri Prashant M M

RESPONDENT

Date of Decision : 03-11-2011

Acts Referred:

Citation : (2011) 11 KAR CK 0024

Hon'ble Judges : K.L. Manjunath, J;B. Manohar, J

Bench : Division Bench

Advocate : Ravi and Ravi, for the Appellant; Anadaramu and Assts For R4), for the Respondent

Final Decision : Dismissed

Judgement

1. The short question that arises for our consideration in this petition is whether the selection of the 4th Respondent by the Respondents-1 to 3 under the sports quota as Sub-Inspector of Police has to be set aside and thereby direction the Respondents-1 to 3 to select the Petitioner in place of 4th Respondent.

2. For the post of Sub-Inspectors of Police (Civil) under sports quota the petitioner and 4th Respondent filed application. The 4th Respondent was selected on the ground that he had represented in the Junior National Gymnastics conducted by the Gymnastic Federation of India at Davangere between 19th to 22nd July 1990 and had secured first position.

3. It is the case of the petitioner that he had represented the Karnataka in VI South Zone Athletics Championship conducted by the Tamil Nadu Amateurs Athletic Association and secured second place in 400 meters running in Athletic championship and it is also his case that he had represented State of Karnataka in IXh Junior Inter State Athletics Championship held in the year 1994 at Hyderabad and secured first place in 4 X 400 Meters relay event and he had also represented Karnataka State in VIII Junior Inter State Athletics Championship held at Nagarkoal between 10.2.93 to 13.2.93 organised by the Tamil Nadu

Amateur Athletics Association.

4. It was also contended by the petitioner that the Respondent-4 had not represented and had won the prize in any National level event and certificate produced by the Respondent-4 as incorrect one.

5. The non-selection of the petitioner and selection of the 4th Respondent was questioned by him by filing an application before the Karnataka Administrative Tribunal in Application No. 2884/2000 which petition came to be dismissed by the Tribunal by its order dt. 21.12.2006.

6. Being aggrieved by the order of the dismissal of his application, the present petition is filed.

7. The learned counsel for the petitioner relying upon Annexure-C submits that as per the list of candidate secured the gold medal in the event held at Davangere the name of the 4th Respondent does not appear. Therefore, the 4th Respondent should not have been selected by the Respondents-1 to 3. In the circumstances, he requests the court to set aside the order and allow the petition,

8. Having heard the counsel for the petitioner, we are of the view that the Tribunal has not committed any error in rejecting the claim of the petitioner because the Tribunal has given a categorical finding that the petitioner did not participate in National level Athletics event. The Tribunal considering the document produced by the petitioner has come to the conclusion that the medals won by the petitioner is not by participating in the National level events, but it is zonal level. The Tribunal relying upon Annexure-R1 has held that the 4th Respondent has represented the National level and secured first prize. Therefore, we cannot likely interfere with the findings of the Tribunal when the petitioner does not fulfill the eligibility criteria.

9. Be that as it may, even if we consider Annexure-C if the petitioner has not produced the entire list of the persons who secured the first prize, on perusal of Annexure-C, Karnataka has won 7 gold medals. But the names of the candidates shown from Karnataka is only five. Therefore, petitioner has not explained who are the other two candidates who secured gold medals.

10. In the circumstances, we do not see any error committed by the Tribunal in rejecting the application.

11. Accordingly, the Writ Petition is dismissed.