



Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.1577 OF 2025(F)

Shri Mahesh P. Kavlekar

...Petitioner

Versus

The State of Goa & Ors.

...Respondents

Mr B.P. Sardessai, Advocate for the Petitioner.

Mr P. Arolkar, Additional Government Advocate for Respondent Nos.1 and 2.

Mr Amey Kakodkar, Advocate for Respondent No.3.

**CORAM : BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATE : 23rd JUNE 2025

ORAL ORDER : (Per Bharati Dangre, J.)

1. Heard Mr B.P. Sardessai, the learned counsel for the petitioner, Mr P. Arolkar, the learned Additional Government Advocate for the respondent nos.1 and 2 - State and Mr Amey Kakodkar, the learned counsel for the respondent no.3 – Sports Authority of Goa.

2. On 27.02.2024 an advertisement was published inviting applications for filling Group 'C' vacancies on regular basis in the Sports Authority of Goa (SAG).

The petitioner, participated in the process initiated by issuance of the said advertisement and he cleared physical fitness test in Weight Lifting category and he was invited for Skill Test which was conducted

on 05.02.2025. He cleared the skill test (Lesson Plan) and it is his specific contention in the petition, that the conduct of both the tests was recorded and videographed.

Pursuant to the two tests being conducted, on 27.02.2024, the Sports Authority of Goa declared the schedule for conduct of written examination for various posts, which included the post of Coach (Grade IV) along with the post of Assistant Manager (Complex), Assistant Manager (Swimming Pool) and Plant Operator on 26.06.2025 between 2.30 p.m. to 5.00 p.m. at the venue indicated therein.

3. As the petitioner was found eligible and his name was displayed in the list of candidates qualified for written examination for the post of Coach as per list in the category of Weight Lifting, with the note appended that the candidates have qualified themselves to the physical fitness test as well as the skill/practical examination (Lesson Plan) and hence they are qualified for written examination.

However, by the impugned communication dated 16.06.2025, the petitioner is informed by the SAG, pursuant to the directions received from the Government that the recruitment process towards the post of Coach (Grade IV) in the Sports Discipline of Weight Lifting has been kept on hold and the physical fitness/skill test towards the said post shall be reconducted by the office by engaging independent examiners to rule out any possibility of discrimination.

The Communication also states that the tests shall be reconducted after advertising additional posts which have occurred in

SAG after the last advertisement so that the physical fitness/skill test can be conducted together.

It is this communication which is assailed by the present petition.

4. We are informed by the learned Additional Government Advocate representing respondent nos.1 and 2 that an unsuccessful candidate Vaishanvi S. Ugadekar, who had secured 17½% of marks and who was declared as disqualified had made a complaint alleging discrimination and favouritism in conduct of the physical test as well as the skill test as she along with the present petitioner were the only two candidates, who appeared for the said test and the petitioner was declared qualified having secured 23½% of marks. According to the learned Additional Government Advocate it is pursuant to this complaint, the Government decided to defer the conduct of written test for Weight Lifting category and has taken a decision to reconduct the test including the physical fitness and the skill test.

5. We find the stand of the respondents - Authorities little surprising.

The petitioner's name was displayed on the notice board as a successful candidate, who has cleared the preliminary tests and therefore he was found to be eligible for participation in the written examination. Merely because a complaint has been made by an unsuccessful candidate, it is evidently clear that he is being kept out of participation in the written test scheduled on 26.06.2025. It is very clear from the

said communication that as far as the written examination for the post of Coach (Grade IV) in other streams like swimming, basketball, etc. are to be conducted as per the schedule on 26.06.2025, but what is cancelled is only the written examination for the stream of Weight Lifting. Though the petitioner is found to be the only eligible candidate but on account of the complaint that is being preferred by a candidate who was disqualified, the impugned communication has been issued deferring the conduct of written examination for the petitioner.

6. It appears that the Authorities are not conscious to the fact that once the candidate has appeared and participated process, he cannot thereafter call in action the whole process and definitely not at the intermediate stage, when the whole process is not yet complete. Upon clearing the preliminary test in form of skill test and physical test it is imperative for the candidate to appear for the written examination and upon that the entire selection shall be said to be completed.

What the respondents - State Authorities have attempted is interjecting the whole process despite the fact that the petitioner has proved to be successful in the two preliminary rounds and qualify himself for the written test.

The petitioner may succeed in the written examination or he may not but definitely merely because a complaint has been made the test cannot be postponed and that too making him wait till a fresh advertisement issued in respect of other streams, when he will be subjected to the physical test and skill test.

This definitely according to us would cause immense injustice to the petitioner and particularly since we are informed that the petitioner has an experience of working with the Sports Authority for more than a decade and definitely deserves a fair chance to participate in the process of selection.

7. In the wake of the above, we direct the respondents including the Sports Authority of Goa to conduct of test for the post of Coach (Weight Lifting) on 26.06.2025 as per the schedule and permit the petitioner to participate in the said examination.

In order to enable the petitioner to have his participation, the necessary steps shall be taken which would include the issuance of an Admit Card within a period of 48 hours from now.

8. In the wake of the aforesaid directions since nothing survives in the petition for determination, and the same stands disposed of.

NIVEDITA P. MEHTA,J.

BHARATI DANGRE,J.