

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 15 OF 2018  
(Subject – Police Patil)**

**DISTRICT: AURANGABAD**

**Smt. Shaikh Sabiyabee Sahikh Illiyas** )  
Age: 34 years, Occu. : As a village Police Patil) )  
R/o. Brahamangaon, Tq. Paithan, ) )  
Dist. Aurangabad. ) .. **APPLICANT**

**V E R S U S**

- 1) **The State of Maharashtra,** )  
Through Secretary, )  
Home Department, )  
Mantralaya, Mumbai-32. )
- 2) **Additional Divisional Commissioner,** )  
Division, Aurangabad. )
- 3) **The Sub Divisional Executive** )  
**Magistrate,** )  
Paithan-Phulambri, Head Quarter, )  
Aurangabad. )
- 4) **Shri Karbhari Kashinath Dhakane,** )  
Age : 74 years, Occu. Agriculture, )  
Brahamangaon, Tq. Paithan, )  
Dist. Aurangabad. ) .. **RESPONDENTS**

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**APPEARANCE** :Shri Sushil Irale Patil, Advocate holding for  
Shri D.R. Irale Patil, Advocate for the Applicant.

:Shri N.U. Yadav, Presenting Officer for  
Respondent Nos. 1 to 3.

: Shri S.B. Sable, Advocate for respondent No. 4.

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**CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.**

**DATE : 12.10.2018.**

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**ORAL - ORDER**

1. Heard Shri Sushil Irale Patil, learned Advocate holding for Shri D.R. Irale Patil, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for respondent Nos. 1 to 3 and Shri S.B. Sable, learned Advocate for respondent No. 4.

2. By the present Original Application, the applicant is seeking following relief:-

*“(5) B. The Hon’ble Tribunal may be pleased to quash and set aside the impugned order bearing No. 2016/ROR/IV-319 dated 15.11.2017 issued by Divisional Additional Commissioner, Aurangabad and impugned order No. Est./PP/Brah./KV-88/3122 dated 29.6.2016 issued by Sub Divisional Executive Magistrate Paithan-Phulambri H.Q. Aurangabad may kindly be quashed and set aside and the applicant may be restore to her original post as a village police patil of village Brahmangaon, Tq. Paithan, Dist. Aurangabad.”*

3. Facts on record would show that the present applicant applied for the post of Police Patil of village Brahmangaon Tq. Paithan, Dist. Aurangabad. The Maharashtra Civil Services (Declaration of Small Family) Rules 2005 along with G.R. dated 01.07.2005 provides that a person with three

children born after 28.03.2005 would not be eligible for the appointment. Therefore, she was disqualified by the respondent No. 3. The Additional Divisional Commissioner, Aurangabad vide his detailed order dated 15.11.2017 (Annexure A-3, page no. 20) in appeal has come to the same conclusion amongst the decision of the Sub Divisional Magistrate, Paithan-Phulambri, Aurangabad.

4. Learned Advocate for the applicant submits that in fact, the provision of the G.R. would not be applicable, as the post of Police Patil is only honorary post and therefore, would not be governed by the G.R. of the Government of Maharashtra. Upon hearing both the sides, in my view, it cannot be accepted that the criteria as to whether the salary is received for the honorarium has to be applied. There are definite recruitment rules for recruitment to the post of Police Patil.

5. In the circumstances, sole challenge would not survive. The O.A. is therefore, dismissed without any order as to costs.

**PLACE : AURANGABAD.**

**DATE : 12.10.2018.**

**VICE CHAIRMAN**

**KPB S.B. O.A. No. 15 of 2018 mtj 2018 dies**