

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

**COMMON ORDER IN O.A. NOS. 336, 337 AND 338 ALL OF 2014**

**1. Original Application No. 336/2014**

**Dist. :Ahmednagar**

Shakeer s/o Ismail Sayyad,  
Age. 24 years, Occu. Nil,  
R/o Burudgaon Road, Tq. Nagar,  
Dist. Ahmednagar.

-- **APPLICANT**

**V E R S U S**

1. The State of Maharashtra,  
Through Secretary,  
Home Department, Mantralaya,  
Mumbai - 32.

2. The Superintendent of Police,  
Ahmednagar, Dist. Ahmednagar.

-- **RESPONDENTS**

**WITH**

**2. Original Application No. 337/2014**

**Dist. :Ahmednagar**

1. Aruna d/o NavnathKhedkar,  
Age. 23 years, Occu. Nil,  
R/o ChinchpurIjade, Tq. Pathardi,  
Dist. Ahmednagar.

2. Sushila d/o MuralidharDongare,  
Age. 23 years, Occu. Nil,  
R/o Haptewadi, Post. Moha,  
Tq. Jamkhed, Dist. Ahmednagar.

-- **APPLICANTS**

**V E R S U S**

1. The State of Maharashtra,  
Through Secretary,  
Home Department, Mantralaya,  
Mumbai - 32.

2. The Superintendent of Police,  
Ahmednagar, Dist. Ahmednagar. --

**RESPONDENTS**

**WITH****3. Original Application No. 338/2014****Dist. :Ahmednagar**

Rekha d/o GopalJadhav,  
Age. 21 years, Occu. Nil,  
R/o Darewadi, Tq. Nagar,  
Dist. Ahmednagar.

-- **APPLICANT****V E R S U S**

1. The State of Maharashtra,  
Through Secretary,  
Home Department, Mantralaya,  
Mumbai - 32.

2. The Superintendent of Police,  
Ahmednagar, Dist. Ahmednagar. --

**RESPONDENTS**

**APPEARANCE** : Shri KetanPote, learned Advocate holding  
for Shri Arvind G. Ambetkar, learned  
Advocate for the applicants in all the  
three matters.

: Smt. SanjivaniDeshmukhGhate, learned  
Presenting Officer for the respondents in all  
the three matters.

**CORAM** : **J.D. KULKARNI, VICE CHAIRMAN**  
**AND**  
**ATUL RAJ CHADHA, MEMBER (A)**

**DATE** : **24<sup>th</sup>AUGUST, 2018**

**J U D G E M E N T***(Per :Atul Raj Chadha, Member (A))*

1. These 3 Original Applications are filed against 159 posts of Police Constables advertised vide advertisement no. 1/2014 dtd. 30.4.2014. The said posts were reserved for various categories as detailed below :-

एकुण	खुला	अजा	अज	विजअ	भज—ब	भज—क	भज—ड	विमाप्र	इमाव	एकुण
कप्पीकृत आरक्षण	८१	२२	१२	०९	०५	०४	०९	०४	१३	१५९
सर्वसाधारण	४१	१२	०८	०६	०४	०३	०६	०३	०६	८९
महिला	२४	०७	०४	०३	०१	०१	०३	०१	०४	४८
खेळाडु	०४	०१	००	००	००	००	००	००	०१	०६
प्रकल्पग्रस्त	०२	००	००	००	००	००	००	००	००	०२
भुकंपग्रस्त	०१	००	००	००	००	००	००	००	००	०१
माजीसैनिक	०४	०१	००	००	००	००	००	००	०१	०६
अंश. पदवीधर	०१	००	००	००	००	००	००	००	००	०१
गृह रक्षक दल	०४	०१	००	००	००	००	००	००	०१	०६
ठतर	००	००	००	००	००	००	००	००	००	००
एकुण	८१	२२	१२	०९	०५	०४	०९	०४	१३	१५९

2. In O.A. no. 336/2014 the applicant – Shri Shakeer Ismail Sayyad – has applied against 41 posts from Open category.

3. In O.A. no. 337/2014 the applicants – Smt. ArunaNavnathKhedkar&SushilaMuralidharDongare – have applied for the nine posts reserved for NT-D category out of which 6 posts were of General Category and 3 posts were reserved for Women category. The applicants have applied against the reservation for Women NT-D category. The applicant No. 1 Smt. ArunaNavnathKhedkar has been appointed during the pendency of O.A. and hence, her grievance has been redressed.

4. In O.A. no. 338/2014 the applicant – Smt. RekhaDopalJadhav – has applied for the post from Women DT-A category for which 9 posts were reserved and out of which 6 posts

were of General category and 3 posts were reserved for Women category.

5. All the applicants have passed the written and physical (ground) tests, however, their names have not appeared in the provisional select list. It is their contention that they must have been selected if the respondents have not changed the reservation for the posts for different categories.

6. In the affidavit in reply, the respondents have submitted that on verification of parallel reservation policy, necessary changes were carried out in the reservations. Accordingly, a new proposal was sent to the Deputy Director (Information), Nasik in that regard, which was accorded necessary approval.

7. It is stated in paragraph No. 10 of the affidavit in reply of respondent No. 2 as follows:-

*“10. In respect of paraIV(7), (8), (9) and (11), I say and submit that the contents of said paras are not true and correct and not admitted to the respondents. In fact in the original advertisement it is specifically mentioned that changes can be made in the number of posts and in reservation. Hence, the contention of the applicant that the respondent has not followed the procedure as per the advertisement is not true and correct.*

*After verification as per parallel reservation policy it was found that in spite of 15% reservation for Ex-*

*Servicemen and 10% reservation of unemployed Graduate employee, in the advertisement 5% reservation was shown to both parallel category. Hence change was made in the number of posts as proposed in the original advertisement and accordingly new amended proposal was sent to Dy. Director (Information) Nasik vide Asha/107/P.B/Shudhipatrak/2014 on 15.05.2014. Hereto annexed and marked as **Exh-R-1**. In the new proposal seats for Ex-Service men was enhanced from 6 to 13 and seats for unemployed graduate employee were enhance from 1 to 9. Hence the seats of General Open Category were reduced. As in Parallel Reservation from General open category 9 candidates of Time Scale Employee, 1 candidate from Bhukampagrasta category are not available and One female candidate was available from Prakalpagraस्था category, 38 candidates were selected from the General Open Category as per their merit. The last candidate was having 178 marks and applicant was having 176 marks. Hence applicant was no selected from the General Open Category. The copy of G.R. in respect of parallel Reservation is annexed herewith. Respondent No. 2 has given the written reply to the complaint application of applicant vide no. आशा/१०७/४.१/पो.अ./५८४२/२०१४ दिनांक २०/८/२०१४. The copy of said reply is annexed hereto as **Exh-R-2**. Respondent has not kept vacant any post from the General Open Category.”*

8. The respondents have also submitted that in the advertisement itself a specific provision was made that there are

chances of making necessary changes in reservation. We have perused the advertisement Exhibit-A and the relevant reference regarding right to change the posts and reservation is as under :-

“वरदर्शविलेली पदे व आरक्षण यात बदल होण्याची शक्यता आहे.”

9. It is admitted fact that no candidate obtaining less mark than the benchmarks is appointed. In view of that the respondents have every right to change the reservation policy and the applicants have no right to take any exception regarding subsequent changes in the reservation. Mere selection will not give any vested right to the applicant to claim appointment. If the respondents have taken decision to make changes in reserved posts as stated in their affidavit in reply, it was its prerogative.

10. In view of above, we pass following order :-

**ORDER**

All the 3 Original Applications are hereby dismissed without any order as to costs.

**(ATUL RAJ CHADHA)  
MEMBER (A)**

**(J.D. KULKARNI)  
VICE CHAIRMAN**

**Place : Aurangabad  
Date :24<sup>th</sup>August, 2018**