

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 423 OF 2018**

**DISTRICT : DHULE**

**Rameshwar S/o Sahebrao Gopal,** )  
Age : 32 years, Occu. : Nil )  
At post Vadali Najik, Tq. Niphad, )  
District Ahmednagar. ).. **APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,** )  
Through its Principal Secretary, )  
Home Department, )  
Mantralaya, Mumbai-32. )
2. **The Superintendent of Police,** )  
Dhule. )
3. **Police Information Officer and** )  
**Dy. Superintendent of Police,** Dhule. )
4. **Dhanraj S/o Shankar Gopal,** )  
Age: 28 years, Occu: Service, )  
R/o : At Post Khorthad (Shirud), )  
Tq. Dhule, Dist. Dhule. ).. **RESPONDENTS**

-----  
**APPEARANCE** : Shri N.L. Choudhary, Advocate for the  
Applicant.

: Shri V.R. Bhumkar, P.O. for the Respondent  
Authorities.

: Shri N.R. Suryawanshi, Advocate for  
respondent No. 4 (**Absent**).

-----  
**CORAM** : **Shri V.D. Dongre, Member (J)**  
**and**  
**Shri Bijay Kumar, Member (A)**

**Reserved on** : **22.06.2023**

**Pronounced on** : **23.06.2023**  
-----

**ORDER****(Per : Shri Bijay Kumar, Member (A))**

1. This Original Application has been filed on 15.06.2018 by one Shri Rameshwar S. Gopal, invoking provisions of Section 19 of the Administrative Tribunals Act, 1985; thereby, challenging the selection of respondent No. 4 under NT-B category for the post of the Police Constable.
2. The applicant sought relief in terms of para 30 of the Original Application, which is reproduced verbatim for ready reference as follows :-

**“30. PRAYERS :****IN VIEW OF THE ABOVE CIRCUMSTANCES, THE APPLICANT WOULD BE GRACIOUSLY PLEASED:**

- A. *To quash the final selection list dated 20.03.2018 for the post of Police Constable issued by Superintendent of Police, to the extent of Respondent No.4 published by District Police recruitment service;*
- B. *To issue directions to reconstitute the select list to the extent of include the name of the applicant in place of Respondent No. 4 in the final select list from NTB category;*
- C. *To issue directions to call for photographic and video graphic evidence of the physical examination and written examination of the respondent No. 4 and the applicant conducted for the post of police constable by the respondent No. 2;*
- D. *To grant interim stay to the operation, execution and implementation of the final select list to the extent of selection of respondent no. 4 pending hearing and final decision of this petition;*
- E. *To grant interim injunction restraining the respondent No. 2 from issuing appointment order to the respondent No. 4 on the post of police constable;*

*F. To issue directions to set up an enquiry committee in order to ascertain the fairness and integrity of the recruitment process for the post of police constable conducted by the respondent No. 2;*

*G. To grant any other relief to which the Applicant is entitled to in the peculiar facts and circumstances of the case.”*

3. Interim relief was granted in terms of para 8 of oral order dated 25.06.2018 as follows :-

*“8. Appointment, if any made by te respondents, shall be subject to the decision of the present original application. However, the respondents are directed to preserve Videography, if any.”*

4. Affidavit in reply on behalf of Respondent Nos. 1 to 3 was filed ,which was taken on record and copy thereof served on the other side. The applicant filed rejoinder affidavit in response to which sur-rejoinder was filed on behalf of respondent Nos. 1 to 3. The learned Advocate for the applicant filed rejoinder to sur-rejoinder, which too was taken on record and copy thereof served on the other side. Learned Advocate for respondent No. 4 remained present on some dates, on which the matter was on Board, but did not file any affidavit in reply or participate during final hearing.

5. As the contention of the applicant revolved around three issues, firstly, alleged favoritism shown to respondent No. 4 in respect of recording of his performance for item of shot-put; secondly, alleged favoritism shown to respondent No. 4 in respect

of recording of his performance for item of long-jump and thirdly, that favoritism shown to respondent No. 4, when he was caught resorting to irregularities during written examination.

6. It was admittedly that all the events had been video recorded by handy-cam, as well as, CC TV recording. Therefore, it was decided to get the original cassettes and view the recordings in presence of all concerned parties.

7. Recordings of hand-held camera were viewed on 13.06.2023 and following findings were made by the Tribunal vide Oral Order dated 13.06.2023 :-

**“ORAL ORDER :**

*Heard Shri S.P. Dhobale, learned Advocate holding for Shri N.L. Choudhary, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities. Shri N.R. Suryawanshi, learned Advocate for respondent No. 4, **absent.***

2. *Concerned Officers of the Department are present.*

3. *In presence of all above, concerned handheld camera videos in respect of the applicant and respondent No. 4 for games viz. short put and long jump have been watched and it is seen that so far as respondent No. 4 is concerned as alleged by the applicant, starting point of both the games is captured, but end point is not captured. It is further seen that in respect of applicant, starting point and end point both are being visible in the said handheld camera video recording.*

4. *However, the applicant is claiming that the respondent No. 4 threw short put only up to 7.40 meters and not 8.34 meters. On what basis the applicant is claiming 7.40 meters is not explained in the present*

*Original Application. In view of the same, CCTV footage, if available is also required to be watched.*

5. *The present matter has already been treated as part heard.*

6. *By consent of both the sides, S.O. to 22.06.2023 at **03.00 p.m.***

8. On 22.06.2023, CCTV recordings were viewed in presence of learned Advocate for the applicant, the applicant and learned Presenting Officer and findings by this Tribunal were recorded as quoted below :-

**“ORAL ORDER :**

*Heard Shri N.L. Choudhary, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities. Shri N.R. Suryawanshi, learned Advocate for the respondent No.4, **absent.***

2. *In the presence of applicant, his learned Advocate and learned P.O., CCTV footage has been seen in respect of events of short put, long jump and written examination of the respondent No.4. CCTV footage of short put event shows it was thrown in between last two segments mentioned as 7.9 meters and 8.50 meters respectively.*

3. *The record shows that the respondent No.4 has been given 18 marks as he threw the short put at 8.30 meters. In the said CCTV footage, the applicant is not seen.*

4. *So far as the long jump event is concerned, the total event is recorded in respect of Respondent No.4 and measurement is done. Long jump is recorded as 4.92 m. and accordingly respondent No.4 was awarded 18 marks.*

5. *So far as written examination is concerned, it appears that the invigilator approached the respondent No.4, verified paper with him and gave the same back to the respondent No.4.*

6. *The Original Application is already heard. The matter is closed for order.”*

9. After in depth consideration of videography & CCTV footage, it would show that none of the contentions raised by the applicant in respect of selection of the respondent No. 4 get substantiated or get support. Applicant is not seen present at the place where the above-said physical tests of the respondent No. 4 were being conducted. Hence, contentions raised by the applicants are devoid of merits & are liable to be discarded. In view of above, in our considered opinion, there is no merit in the present Original Application, which is totally misconceived and vexatious in nature. Therefore, we proceed to pass the following order :-

**ORDER**

- (A) The Original application No. 423 of 2018 is dismissed for being devoid of merit.
- (B) No order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**Kpb/D.B. O.A. No. 423/2018 VDD & BK 2023 Selection / appointment**