

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

**ORIGINAL APPLICATION NO. 753 OF 2022  
(Subject – Compassionate Appointment)**

**DISTRICT : NANDED**

**Shravankumar s/o Pradeep Jadhav,** )  
Age : 25 years, Occu. : Student, )  
R/o : House No. 162, Vivek Nagar, )  
Near Science College Road, Tq. Nanded, )  
District-Nanded (MH)-431 602. )

.... **APPLICANT**

**V E R S U S**

**1. The State of Maharashtra,** )  
Through, Principal Secretary General )  
Administration, General Administration )  
Department, Maharashtra, )  
Mantralaya, Mumbai- 400 032. )

**2. The District Superintendent of Police,**)  
Nanded, Guru Gobind Singh Road, )  
Vajirbad, Nanded, Tq. Nanded, )  
District-Nanded Maharashtra-431 601.)

... **RESPONDENTS**

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**APPEARANCE** : Shri Amol Kokad, Counsel for Applicant.

: Smt. Sanjivani K. Deshmukh-Ghate,  
Presenting Officer for respondent authorities.

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**CORAM** : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**RESERVED ON** : **16.01.2024**

**DATE** : **20.02.2024**  
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**O R D E R**

1. Heard Shri Amol Kokad, learned counsel appearing for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer appearing for respondent authorities.

2. By this Original Application, the applicant is seeking quashing and setting aside order dated 25.07.2022 passed by the Superintendent of Police, Nanded, respondent No. 2 herein and also seeking directions to respondent Nos. 1 and 2 to consider the applicant and to declare him eligible to be appointed on compassionate ground for the post of Police Constable as expeditiously.

3. Brief facts as stated by the applicant giving rise to the present Original Application are as follows :-

(i) The father of the applicant viz. Pradeep S/o Nagorao Jadhav, who was working as Police Constable, Bukkal No. 2156, while in service met with rail accident and died in harness on 02.03.2006 at village Nasratpur, Tq. Nanded, Dist. Nanded.

(ii) The applicant in his tender age suffering from temporary disorder or decease, which partially affected his eyes and legs. Thus the father of the applicant approached to the Civil Surgeon, Government Medical College, Nanded for examination of the applicant. On examination, the said authority has issued certificate dated 02.02.2005 (Exhibit-B) to the applicant stating therein that the applicant

suffered partial blindness to the extent of 40%. Further the Civil Surgeon, Government Medical College, Nanded issued certificate dated 24.07.2002 (Exhibit-C) as orthopedically handicapped to the applicant stating therein that the applicant is orthopedically handicapped to the extent of 41%.

(iii) It is further case of the applicant that the mother of the applicant has submitted application on 16.08.2006 for appointment on compassionate ground to respondent No. 2. The office of respondent No. 2 has directed the mother of the applicant to file application within a year after the applicant attained the age of 18 years. The said communication dated 16.08.2006 is marked as Exhibit-D.

(iv) It is further case of the applicant that after attaining the age of 18 years, the applicant has filed application dated 11.07.2006 (Exhibit-H) for incorporation of his name in the list of compassionate appointment to respondent No. 2. In response to the same, the respondent No. 2 issued communication on 20.08.2016 (Exhibit-I) directed the applicant to file 04 documents that is Affidavit, consent letter, educational certificates and application in

appropriate format. The applicant accordingly filed an application in prescribed format on 20.08.2016 (Exhibit-K) by fulfilling all the requirements.

(v) The applicant has requested the respondent No. 2 on 23.08.2016 (Exhibit-M) for inclusion of his name in the compassionate appointment waiting list. The respondent No. 2 has thus instructed the applicant on 29.03.2017 (Exhibit-N) to appear in the recruitment process held on 11.04.2017 for the post of Police Constable at Nanded.

(vi) It is further case of the applicant that the applicant has filed an application on 05.04.2017 (Exhibit-O) and stated that he is not physically fit in the recruitment process of Police Constable and requested for clerical job. The applicant has also annexed the typing certificate by way of application dated 09.01.2018(Exhibit-P) to compassionate appointment as qualification for clerical job. However, again respondent No. 2 on 10.04.2018 (Exhibit-Q) has instructed the applicant to appear and participate in the recruitment process scheduled on 16.04.2018 for the post of Police Constable at Nanded. The applicant has however showed his disability to fulfill criteria for the post

of Police Constable vide application dated 18.04.2018 (Exhibit-R).

(vii) It is the further case of the applicant that due to weaker financial position of family and delay in getting clerical post, the applicant has requested to consider him for the post of Police Constable to the department i.e. Superintendent of Police, Nanded on 15.02.2021 (Exhibit-S). The applicant has thereafter time to time requested respondent No. 2 to consider him for compassionate appointment on the post of Police Constable.

(viii) It is further case of the applicant that the respondent No. 2 has directed the applicant to obtain fitness certificate from Civil Surgeon, Government Medical College, Nanded in order to get compassionate appointment for the post of Police Constable, which is subject to providing fitness certificate of the candidate for compassionate appointment. Copy of the said communication dated 10.06.2021 is marked as Exhibit-W. Thus, the applicant has undergone the medical examination to obtain fitness certificate on 18.08.2021 with the Civil Surgeon, Government Medical College, Nanded. Copy of the medical examination

certificate issued by the Civil Surgeon, Government Medical College, Nanded dated 18.08.2021 is marked as Exhibit-X.

(ix) It is further case of the applicant that he has thereafter approached to respondent No. 2 by filing application dated 18.08.2021 (Exhibit-Y) and produced medical examination certificate dated 18.08.2021 to claim the post of Police Constable.

(x) By communication 02.12.2021 (Exhibit-Z) issued by the Superintendent of Police, Nanded, the applicant was called for participation in recruitment process scheduled on 10.12.2021 for the post of Police Constable, Class-III at Nanded. It is further case of the applicant that respondent No. 2 has however referred the case of the applicant to the President, Medical Board, Dr. Shankarrao Chavan Government Medical College and Hospital, Vishnupuri, Nanded and instructed the applicant to appear for medical examination for physical fitness. Copy of the said communication dated 21.12.2021 in this regard issued by respondent No. 2 is marked as Exhibit-AA.

(xi) It is the case of the applicant that the Sub-Divisional Police Officer, Sub Division Itwara, Nanded has recorded

the statement of the applicant and his mother for the purpose of recruitment process on 15.02.2022 and 26.04.2022 respectively (Exhibit-AB). By communication dated 23.03.2022 (Exhibit-AC), the District Civil Surgeon, District Hospital, Nanded conveyed to the Sub-Divisional Police Officer, Sub Division Itwara, Nanded to verify the medical certificate of the applicant dated 02.02.2005.

(xii) It is further case of the applicant that the Department of Ophthalmology forwarded their opinion on the issue of fitness of the applicant and clarified that the medical certificate dated 02.02.2005 of the applicant issued by the competent authority and the said authority did not classify the disease as temporary or permanent, therefore, the Professor or Head of the Department of Ophthalmology showed inability to state as to whether it is curable or not. In view of the same, the Sub-Divisional Police Officer, Sub Division Itwara, Nanded has instructed the applicant to take effective steps to obtain detailed information about the disability certificate dated 02.02.2005 by communication dated 19.06.2022 (Exhibit-AD).

(xiii) Being aggrieved by the inaction on part of respondent No. 2, the applicant has filed Original Application No.

630/2022 for seeking directions to the respondent No. 2 along with respondent No. 1 to consider the applications cum representations from the year 2006 to 2021 in this regard for his compassionate appointment on the post of Police Constable. It is the case of the applicant that the respondent No. 2 has issued letter dated 25.07.2022 (Exhibit-AF) to vitiate the proceedings of Original Application No. 630/2022. The applicant has therefore, constrained to withdraw the said O.A. No. 630/2022 on 08.08.2022 (Exhibit-AG) with liberty to file fresh O.A. Thus, the applicant has preferred the present Original Application against the order dated 25.07.2022 (Exhibit-AF).

4. Learned counsel for the applicant submits that the very purpose and object of appointment on compassionate ground is to provide job to the immediate successor of the family of the deceased died in harness. Learned counsel submits that though the respondent No. 2 has asserted that the various disability certificates filed by the applicant are highly suspicious and unreliable, the respondent No. 2 has not shared verification report with the applicant nor provided any conclusive proof for arriving at the said conclusion. Learned counsel submits that the respondent No. 2 has also asserted that the applicant has



mislead the office by misusing the said certificate and thus his name has been removed from the compassionate waiting list. Learned counsel submits that the respondent No. 2 failed to understand the choice of the applicant and wrongly interpreted it that the applicant has misled the office.

5. Learned counsel for the applicant submits that the applicant has always focused on clerical job or desk job, however due to inaction on part of respondent authorities; the applicant was constrained to apply for the post of Police Constable. The applicant in his statement on 15.02.2021 has clearly stated due to delay in the appointment of clerical post, the applicant is ready to serve as a Police Constable.

6. Learned counsel for the applicant submits that the impugned communication dated 25.07.2022 is totally misplaced and misconceived. The said communication does not state any substantial reason and only expressed the suspicion for rejecting the claim of the applicant. Though the respondent No. 2 has recorded the statement of the applicant, but it did not mean that the respondent authorities have given opportunity of fair hearing to the applicant.

7. Learned counsel for the applicant submits that the present Original Application deserves to be allowed by quashing and setting aside the impugned communication dated 25.07.2022 and the respondents be directed to consider and to declare the applicant eligible for compassionate appointment for the post of Police Constable.

8. On the basis of affidavit in reply filed on behalf of respondent No. 2, learned Presenting Officer (for short P.O.) submits that the applicant has filed application himself and showed his disinterest in the recruitment process of Police Constable and requested for clerical job, because he is having major physical disability of vision to the extent of 40% blind and also physical deformity to the extent of 41% of right leg.

9. Learned Presenting Officer submits that the respondent No. 2 had referred the case of the applicant to the President, Medical Board, Dr. Shankarrao Chavan Government Medical College and Hospital, Vishnupuri, Nanded and instructed the applicant to appear for examination of physical fitness on 10.12.2021. The applicant had submitted the certificate of Civil Hospital, Nanded dated 18.08.2021. There were two types of certificates and therefore, reasonable doubt

about the truthfulness of medical certificates arises. In view of the same, the applicant has been referred to the Medical Board of Dr. Shankarrao Chavan Government Medical College and Hospital, Vishnupuri, Nanded and which board has issued the medical certificate in favour of the applicant on 10.01.2022.

10. Learned Presenting Officer submits that the applicant has submitted 03 types of medical certificates and therefore, the respondent No. 2 has directed the Dy. Superintendent of Police, Itwara to conduct the enquiry of medical certificates of the applicant as to whether the applicant is physically able to conduct the duty on compassionate appointment. Thereafter, the Dy. Superintendent of Police, Itwara has submitted enquiry report before the respondent No. 2, in which he has expressed his doubts about the medical certificates submitted by the applicant (Annexure R-3). Learned P.O. submits that there is no substance in the present Original Application and the same is liable to be dismissed.

11. By way of filing rejoinder affidavit, learned counsel submits that it is clearly a mistake on part of respondent No. 2 and the department of Orthopedic of Dr. Shankarrao Chavan Government Medical College and Hospital, Vishnupuri, Nanded

to misread the date of issuance of certificate. Though the date of issuance of issuance of certificate of Orthopedic is 24.07.2002, it is stated as 24.07.2007.

12. Learned counsel for the applicant submits that due to mistake on part of respondent No. 2, the authenticity of certificate of Orthopedic dated 24.07.2002 and the certificate of blindness dated 02.02.2005 cannot be suspected, and the purpose of bringing it on record has to be considered in a positive manner.

13. Learned counsel for the applicant submits that the applicant has requested for compassionate appointment for the post of Police Constable on 15.02.2021 and he was sent for medical examination before the Civil Surgeon, Nanded and Medical Board, Nanded for fitness test by respondent No. 2. As per the report of President Medical Board, the applicant is eligible for the post of Police Constable. Further on 18.08.2021, the President Medical Board, Nanded has issued the certificate to the effect that the applicant is eligible for the post of Police Constable.

14. On careful perusal of the pleadings, affidavit in reply and annexures, it appears that on attaining the age of majority,

the applicant has submitted an application on 11.07.2016 (Exhibit-H) with the respondent authorities for compassionate appointment. The father of the applicant was serving as Police Constable and he died in harness on 02.03.2006. At the time of death of father of the applicant, the applicant was minor and thus, on attaining the age of majority, he has filed an application for compassionate appointment. The applicant has filed an application in prescribed format on 20.08.2016 (Exhibit-J) and fulfilled all the requirements. Though the applicant was called upon by the respondent authorities to appear for the recruitment process twice undertaken for the post of Police Constable, however, the applicant has sought excuses on the ground that in terms of the certificates issued to him, when he was six years of age he is partially blind, so also, handicapped person and as such, he is not fit to be recruited for the post of Police Constable and thus, requested to consider his compassionate appointment for clerical post. However, it further appears that the said recruitment process for clerical post was not undertaken for a longer period and thus, the applicant has again approached to the respondent authorities to consider him for the post of Police Constable with the contention that he is now fit to be considered for the recruitment process for the said post of Police Constable

and the said disablement does not survive. By order dated 25.07.2022, the Superintendent of Police, Nanded after recording the statements of the applicant and his mother and after verifying the authenticity of the certificates of disablement allegedly issued by the concerned hospitals when the applicant was six years of age, has directed to remove the name of the applicant from the waiting list maintained for grant of compassionate appointment to the eligible persons / legal heirs mainly on the ground that the applicant has misled the office of respondent authorities by producing false and fabricated documents pertinent to his disablement.

15. In the light of the above mentioned factual matrix, certain dates are important to be reproduced herein below :-

<b>Sr. No.</b>	<b>Description of the document/s</b>	<b>Date</b>	<b>Remark, if any</b>
1	Blindness certificate of the applicant to the extent of 40% issued by the Civil Surgeon, Shri Guru Gobind Singhji Memorial Hospital, Nanded (Exhibit-B).	02.02.2005	
2	Medical certificate as Orthopedically Handicapped to the extent of 41% issued by the Civil Surgeon, Shri Guru Gobind Singhji Memorial Hospital, Nanded (Exhibit-C).	24.07.2007	

3	The communication from the Dy. Superintendent of Police, Nanded to the applicant calling upon him for the recruitment process for the post of Police Constable scheduled on 11.04.2017 at Police Headquarter, Nanded along with requisite documents (Exhibit-N).	21.03.2017	
4	The application submitted by the applicant to the Superintendent of Police, Nanded that he is not physically fit for the post of Police Constable and he may be considered for clerical post for compassionate appointment (Exhibit-O).	05.04.2017	
5	Second communication from the Dy. Superintendent of Police, Nanded to the applicant calling upon him for the recruitment process for the post of Police Constable scheduled on 16.04.2018 at Police Headquarter, Nanded (Exhibit-Q)	10.04.2018	
6	Second application submitted by the applicant to the Superintendent of Police, Nanded that he is not physically fit for the post of Police Constable and he may be considered for clerical post for compassionate appointment (Exhibit-R)	18.04.2018	

7	The application submitted by the applicant to the Superintendent of Police, Nanded to consider him for the post of Police Constable, as there is a considerable delay in filling up the clerical post in the Police Department (Exhibit-S).	15.02.2021	
8	Second letter submitted by the applicant to the Special Inspector General of Police, Nanded Region, Nanded with the similar contention to consider him for the post of Police Constable.	Received by the office on 16.02.2021	
9	The applicant has again submitted an application with the similar contention to the Superintendent of Police, Nanded informing therein that he has directed to bring fitness certificate (Exhibit-U)	22.02.2021	
10	Medical certificate of examination of the applicant issued by the Civil Surgeon, Civil Hospital, Nanded certifying that the applicant is physically fit to consider for the employment for the post of Police Constable (Exhibit-X)	18.08.2021	
11	On the same day the applicant has submitted the said medical certificate along with his covering letter in the office of Dy. Superintendent of Police, Nanded (Exhibit-Y)	18.08.2021	



12	Letter issued by the Additional Superintendent of Police, Bhokar to attend the recruitment process for the post of Police Constable scheduled on 10.12.2021 at Police Headquarter, Nanded (Exhibit-Z)	02.12.2021	
13	The President, Medical Board, Dr. Shankarrao Chavan Government Medical College and Hospital, Vishnupuri, Nanded issued letter to the Superintendent of Police, Nanded regarding Medical examination of the applicant (Exhibit-AA).	21.12.2021	
14	Statement of the applicant and his mother Smt. Jayashri recorded by the Sub-Divisional Police Officer, Sub Division Itwara, Nanded (Exhibit-AB)	15.02.2022 and 26.04.2022 respectively	
15	Communication from the Ophthalmology Department, Dr. Shankarrao Chavan Government Medical College and Hospital, Vishnupuri, Nanded to the Sub-Divisional Police Officer, Sub Division Itwara, Nanded about the blindness certificate of the applicant dated 02.02.2005 (Exhibit-AD)	19.04.2022	
16	Impugned order passed by the Superintendent of Police, Nanded (Exhibit-AF)	25.07.2022	

16. It is not disputed by the applicant and the same is also in his police statement (Exhibit-AB) that he was partially blind and suffering from partial physical disability to his right leg since the age of six years and eight years respectively and his father has obtained the said certificates from Shri Guru Gobind Singhji Memorial Hospital, Nanded. Further on the basis of the said certificates, the applicant has submitted an application on 05.04.2017 (Exhibit-O) to the Superintendent of Police that he is physically not fit to be considered for the post of Police Constable and he may be considered for the clerical post. Even in the recruitment process of the year 2018 for the post of Police Constable, the applicant has submitted similar application dated 18.04.2018 (Exhibit-R) to the Superintendent of Police, Nanded. Further on 16.02.2021 (Exhibit-T), the applicant has submitted application with the similar contention to the Special Inspector General of Police Nanded. Thereafter, the applicant has obtained fitness certificate from the Civil Surgeon, Government Medical College, Nanded dated 18.08.2021 (Exhibit-Y). He was again called for recruitment process for the post of Police Constable on 10.12.2021 and the applicant remained present for the said recruitment process. According to the applicant, due to his growing age, the said disablement does not survive and the

applicant has also not renewed the said certificates obtained by his father, when the applicant was small boy.

17. In the backdrop of these facts, it is important that the said certificates dated 02.02.2005 (Exhibit-B) and 24.07.2007 (Exhibit-C) indicating the partial blindness of the applicant and partial disablement to his right leg are apparently false certificates. Though the father of the applicant has obtained those certificates, when the applicant was small boy in between six to eight years, however it cannot be ignored that the applicant has used those certificates twice before the respondent authorities to demonstrate that he is not physically fit to be considered for the post of Police Constable and he may be considered for clerical post in the Police Department. In the said certificates, partial disablement as shown to have been sustained by the applicant, there is no further endorsement as to whether the said disablement is temporary or permanent. Further the disablement certificate without mentioning its nature as to whether the disablement is temporary or permanent, is absolutely false certificate. The concerned hospital has reiterated the same and given the opinion in writing to that effect dated 11.04.2022(Exhibit R-4). Though the applicant has subsequently has obtained the certificate about his physical fitness, however in

view of his earlier physical disablement certificates, reasonable doubts arise about his integrity, honesty and character. It is further part of record before this Tribunal that by communication dated 19.12.2023, the Ophthalmology Department of Dr. Shankarrao Chavan Government Medical College and Hospital, Vishnupuri, Nanded has informed to the applicant that his certificate dated 24.07.2002 has not been issued by the hospital. Though the learned counsel for the applicant has tried to canvas that wrong date of certificate has been mentioned in the communication dated 19.12.2023 issued by the Ophthalmology Department of Dr. Shankarrao Chavan Government Medical College and Hospital, Vishnupuri, Nanded, however it appears that the applicant himself has mentioned the said date in his application dated 18.12.2023 submitted to the said hospital for attestation of the certificate produced by him about his physical disablement to the extent of 41% on his right leg.

18. The applicant has played mischief and tried to mislead the respondent authorities. I find no fault in the conclusion drawn by the Superintendent of Police, Nanded that considering the questionable integrity of the applicant, his name cannot be continued in the waiting list maintained for filling up the post of Police Constable in the Police Department. I find no

substance in the present Original Application and the same deserves to be dismissed. Hence, the following order :-

**ORDER**

- (i) Original Application No. 753/2022 is hereby dismissed.
- (ii) In the circumstances, there shall be no order as to costs.
- (iii) O.A. stands disposed of accordingly.

**PLACE : Aurangabad.**

**DATE : 20.02.2024**

**(Justice V.K. Jadhav)**  
**Member (J)**

KPB S.B. O.A. No. 753 of 2022 VKJ Compassionate Appointment