

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 367 OF 2016

DIST. : AURANGABAD

Ganesh Sanduji Khade,
Age 28 years, Occ. Agril.,
R/o Balapur,
Tq. & Dist. Aurangabad.

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APPLICANT

VERSUS

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

2. Sub Divisional Magistrate /
President, Police Patil Recruitment
Selection Committee 2015,
Aurangabad.

(Copy to be served on P.O.,
Office of MAT at Aurangabad).

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RESPONDENTS

APPEARANCE : Shri S.V. Mundhe, learned Advocate for the
applicant.

: Shri M.P. Gude, learned Presenting Officer for
respondents.

CORAM : HON'BLE SHRI J. D. KULKARNI, MEMBER (J)

ORAL - ORDER

(Passed on this 18th day of January, 2017)

1. Heard Shri S.V. Mundhe, learned Advocate for the applicant and
Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The applicant has claimed direction to the res. no. 2 to fill up the post of Police Patil of village Balapur Tq. & Dist. Aurangabad from the candidates in merit list and for that purpose issue necessary orders in favour of the applicant.

3. From the admitted facts on record, it seems that, the applicant has applied for the post of Police Patil of village Balapur, Tq. & Dist. Aurangabad in view of the proclamation no. 2/2016. The reservation schedule given in the said proclamation shows that the posts were reserved for various casts and village Balapur was reserved for the candidate belonging to Other Backward Class Category (for short O.B.C.). The applicant and other candidates participated in the said recruitment process. It is stated that the applicant and other candidates were called for written examination as well as oral test and the applicant having seat no. 1010132 secured highest marks i. e. 71 marks out of 100. The copy of the select list published on 5.3.2016 is placed on record at paper book page 21 of the original application (Annex. A.3). On perusal of the said select list it seems that in all 4 candidates were found eligible out of which the applicant was first in merit. The applicant, therefore, claims that he should have been appointed on the post of Police Patil of the village Balapur.

4. The res. no. 2 has filed affidavit in reply. In para 7 of the said affidavit in reply it is stated that the candidates along with the applicant

were called for verification of documents after selection and it was noticed that the applicant belongs to Vanjari caste, which includes in N.T.-D category and thus transpires that the applicant does not belong to O.B.C. category. It is an admitted fact that none of the candidates selected belong to O.B.C. category.

5. The learned Advocate for the applicant submits that had it been the fact that the applicant was not belonging to O.B.C. category along with other selected candidates, the candidates should not have been called for oral test and there was also no need to publish the select list and, therefore, the respondents cannot now state that none of the candidates were selected, since they do not belong to O.B.C. category.

6. The learned Presenting Officer pointed out the clause no. 10 mentioned in the proclamation. The copy of the said proclamation is at paper book pages 10 to 18 (both pages inclusive). In clause no. 10 it has been mentioned in clear terms as under :-

प्रत्येक गावात केवळ एक पद उपलब्ध आहे व ते शासकीय निकषानुसार आरक्षित करण्यांत आलेले आहे. अर्ज करतांना अर्जदाराने आरक्षण तपासूनच अर्ज करावा. (आरक्षण व्यतिरिक्त असलेल्या उमेदवारांनी अर्ज करू नये)+

7. From the aforesaid clause it will be clear that the posts were isolated for each village and the candidates belonging to particular caste for which the post was reserved, were expected to apply and not only that

but the candidates not belonging to that particular caste were specifically directed not to submit their applications. In such circumstances, the applications of the candidates, who were not belonging to that particular caste for which the post was reserved, should have been rejected in limini when it was filed and process should not have been carried out further.

8. The learned Advocate for the applicant submits that no candidate from O.B.C. category applied for the post and, therefore, the post should have been filled in from the selected candidates. However, it will be against the policy of the Government to keep the post reserved for particular caste category and such reservation cannot be changed. If the candidates of that particular categories are not available, the Govt. may change its policy by reissuing the advertisement, but the candidate from other category cannot be appointed for the particular category post.

9. The learned Advocate for the applicant submits that heavy costs shall be imposed on the respondents, for carrying out the recruitment process of the candidates, who were not belonging to the particularly category for which the post was reserved and, therefore the applicant was unnecessarily required to undergo the selection process. This submission of the learned Advocate for the applicant cannot be accepted because the applicant is also equally responsible for filing application form for the post for which he was not entitled.

10. In view of the discussion in foregoing paragraphs, I do not find any merits in the original application and hence the same stands dismissed.

There shall be no order as to costs.

MEMBER (J)

ARJ-OA NO.263-2015 JDK (APPOINTMENT - KOTWAL)