MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 263 OF 2015

DIST. : OSMANABAD

Deepak Narayan Dedhe,
Age 32 years, Occ. Nil,
R/o Shukarpeth, Tuljapur,
Tq. Tuljapur, Dist. Osmanabad.   --   **APPLICANT**

     V E R S U S

1.   The State of Maharashtra,
       Through its Secretary,
       Department of General Administration,
       Mantralaya, Mumbai.

2.   The State of Maharashtra,
       Department of Revenue & Forest,
       Mantralaya, Mumbai.

3.   The Divisional Commissioner,
       Aurangabad Division, Aurangabad
       Divisional Commissioner Officer,
       Aurangabad, Tq. & Dist. Aurangabad.

4.   The District Collector,
       Osmanabad, Tq. & Dist. Osmanabad.

5.   Member of Secretary of Taluka Selection
       Committee for the post of Kotwal for
       Tuljapur Taluka as well as the
       Tahsildar, Tahsil Office,
       Tuljapur, Tq. Tuljapur,
       Dist. Osmanabad.

6.   The President of the Taluka Selection
       Committee for post of Kotwal as well as
       Sub Divisional Officer Osmanabad,
       Tq. & Dist. Osmanabad.   --   **RESPONDENTS**

APPEARANCE   :   Shri Ganesh V. Patil, learned Advocate for the applicant.

                  :   Shri N.U. Yadav, learned Presenting Officer for respondents.

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

O R A L - O R D E R

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

1.   Heard Shri Ganesh V. Patil, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2.   The applicant has claimed for direction to res. no. 3 i. e. the Divisional Commissioner, Aurangabad to make an enquiry of the recruitment process of ±Kotwal-2015q of Tuljapur Taluka, Tq. Tuljapur, Dist. Osmanabad on the ground that the respondents have not supplied the documents to the applicant and that the applicant is Legal Representative of the Kotwal.

3.   The learned Advocate for the applicant invited my attention to the mark list copy of which is placed on record at paper book pages 65 to 81 (both the pages inclusive). It seems therefrom that in all 84 candidates were called for oral interview after the written test and in the said list the

applicants name appeared at sr. No. 82. It is stated that the applicant has secured 12.5 marks in the oral examination out of 25.

4.   The applicant has participated in the selection process and has appeared for the oral test and it is obvious that since the applicant did not figure in the select list, he has filed this original application.

5.   The res. nos. 1 to 4 and 5 & 6 have filed their separate affidavit in replies. In para 6 of the affidavit in reply the res. nos. 5 & 6 stated that, the applicant has obtained 43 marks in the written examination and 12.5 marks in oral examination. Thus the total marks secured by the applicant in the written as well as oral test are 55.5 out of 100, whereas the merit list was closed on 61.5 marks and, therefore, there is no question to appoint the applicant.

6.   The learned Advocate for the applicant stated that the applicant is a ward of Kotwal and hence preference should have been given to the applicant for appointment to the post of Kotwal. However, the question of giving preference to the ward of Kotwal will arise whenever there are 2 candidates who have secured equal marks in the selection process.

7.   The learned P.O. also referred to G.Rs. dated 7.5.1959, 20.5.2010 and 2.4.2012 which are relating to recruitment of Kotwal and the said G.Rs. are superseded by subsequent G.R. dated 5.9.2013.

8.   On going through all the documents placed on record, it is clear that the claim of the applicant was rightly rejected by the respondent authorities on merits. The applicant has already participated in the selection process and never challenged the G.Rs. which were in field, before he appeared for the oral interview. In other words, the present original application has been filed by the applicant only after the fact was noticed that he was not selected on the post of Kotwal, on merits.

9.   In view of the discussion, I do not find any merit in the present original application and hence, the same stands dismissed with costs of Rs. 1,000/- (Rs. One thousand only).

MEMBER (J)