MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
C.A. No.263/2015
In
ORIGINAL APPLICATION St. NO. 1061/2015

Ajay Hiralal Yadav,
Aged about 25 years,
R/o Plot No.44, Kashi Nagar,
Near Gurunanak College of Pharmacy,
Nari Road, Nagpur. ----------**Applicant.**

Versus

1. The State of Maharashtra,
   Through its Secretary,
   Deptt. of Home,
   Mantralaya, Mumbai.

2. The Commissioner of Police,
   Commissioner Office,
   Nagpur. --------- **Respondents.**

1.Shri S. D. Tatake, Advocate for the applicant.
2.Shri A.P. Tathod, Chief Presenting Officer for the Respondents

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CORAM : B. Majumdar : Vice Chairman
and
R.B. Malik : Member (J)
DATE : 28th April, 2016

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ORDER **PER VICE-CHAIRMAN**

The C.A. is for condonation of delay in filing the O.A. The applicant has filed the O.A. as he is aggrieved that he has not been appointed as Police Constable (Bandsman).

2. On 1/10/2011, the Commissioner of Police, Nagpur (R/2) issued an advertisement for various posts of Police Constable. 2 posts were reserved for Bandsman each in the category of DT-A and NT-C. The applicant applied from the category of NT-C. The applicant appeared in the examination on 9/11/2011 and scored 158 marks in the written test. The select list was published on 22/2/2012 . According to him, a candidate who had scored 176 was selected against DT-A but no one was selected for the category of NT-C. Aggrieved thereby he has filed this O.A. The applicant sought information about his selection from R/2 under RTI. On 17/7/2014 the Commissioner of Police, Nagpur (R/2) informed the Information Officer in his office that while 1 post of Bandsman from the category of DT-A was filled up as per

merit, the other post from the category of NT-C was filled up by appointment on compassionate ground. Thus as no post of Bandsman was vacant, the applicant could not be appointed.

3. The applicant filed this O.A. on 8/7/2015 and on the same day, he filed the C.A. for condonation of delay in filing the O.A.

4. The applicant submits that the select list following the issue of the advertisement in 2011 was not displayed on R/2's notice board nor was he informed about it. It was only in June,2014 that from his friends and others he learnt that the selection procedure has been completed by the end of 2012. He applied to the office of R/2 under RTI on 8/7/2014 and learnt that he was not selected. Thus the delay in filing the present O.A. was due to the above reasons and hence it is condonable.

5. R/2, Commissioner of Police, Nagpur, in his reply to the C.A. submits that the select list was published on 22/2/2012. Thereafter from 2012 to 2015 the recruitment

process for Police Constables was conducted every year. As per the G.R. dtd. 26/7/2008 the above select list had expired after a period of one year.

6. Shri S.D. Tatake, ld. Counsel for the applicant submitted that the applicant was kept in the dark about the select list and the respondents also did not provide him with complete information under RTI.

7. Shri A.P. Tathod, ld. C.P.O. for the respondents submitted that the select list dtd. 22/2/2012 had expired on 21/2/2013 and thereafter during the subsequent years fresh recruitments of Police Constables have been taken up. Thus the O.A. itself has become infructuous.

8. We find that the respondents had issued the select list on 22/2/2012 . It also appears from the record that the applicant did not make any efforts to verify the progress of recruitment following his appearance in the examination on 9/11/2011. He belatedly in 2014 sought information under RTI about the fate of his candidature. As per para 7 of the

G.R. dtd. 26/7/2008 the select list prepared by the Selection Committee is valid for one year or the date up to which the vacant posts have been taken into consideration for filling up, whichever is later. We find that the applicant has approached the Tribunal belatedly after the select list had expired and the entire process of recruitment following the issue of advertisement dtd. 1/10/2011 had been brought to a close. Hence we find no reason to condone the delay incurred by him in filing the present O.A. Hence the C.A. and consequently the O.A. stand rejected.

sd/-

(R.B. Malik)
Member (J)

sd/-

(B. Majumdar)
Vice-Chairman.

Skt.