

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 1020 OF 2016

DISTRICT : DHULE

Shri Deepak Pandit Gawali)
Occ : Nil, Add: Mogalai Wada,)
Sakri Road Line No. 3,)
Dhule 424 001.)...**Applicant**

Versus

1. The Commandant,)
State Reserve Police, Group-2,)
Ramtekadi, Pune 411 022.)
2. Additional Director General of Police,)
Training & Special Units,)
Maharashtra State,)
Police Head Quarter, Colaba,)
Mumbai 400 001.)...**Respondents**

Shri C.T Chandratre, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

**CORAM : Justice Mridula Bhatkar (Chairperson)
Mrs Medha Gadgil (Member) (A)**

DATE : 16.06.2022

PER : Justice Mridula Bhatkar (Chairperson)

J U D G M E N T

1. The applicant prays that the order dated 3.9.2016 is to be declared illegal and direct the Respondents to issue the appointment order of the applicant to the post of Police Constable.

2. It is the case of the applicant that the Respondents by Notification dated 2.2.2016 decided to fill up the posts of Police Constable in all over Maharashtra. Applicant filled up the form for the post of Police Constable from NT(B) category. Till August, 2016, total 143 posts of Police Constable were available. However, the Respondent-State took decision to fill up 75% of the total posts, which comes to 107.25 and it is rounded off to 107 posts. Out of these 107 posts, as per the quota available to each category, the distribution of posts is fixed as follows:-

	अज	भज-ब	विमाप्र	इमाव	खुला	एकुण
परंतु आपल्या कडून वर नमुद संदर्भान्वये १०७ पदे भरणेबाबत आदेश झालेने नमुद प्रमाणे पदांची निवड करण्यात आलेली आहे.	१६	१	४	४	८२	१०७

3. It is the case of the applicant that the Respondent-State instead of keeping one post reserved for NT(B) category, they should have kept a quota of two posts and thus the applicant who is standing at Sr No. 1 in the waiting list of NT(B) category, could have been accommodated and appointed to the said post of Police Constable. Learned counsel for the applicant therefore contended that the order of rejection of his candidature for want of requisite quota is illegal.

4. Learned counsel for the applicant has submitted that the Respondents have committed error in calculating the quota and

also have not correctly applied the rule of rounding off in calculating the percentage. Learned counsel for the applicant submitted that considering the 75% of posts to be filled in, as per the quota, two posts in NT(B) category was available. As 1.5 posts were available, therefore, it should have been made by applying the rounding off rule as to two posts. On this point, learned counsel for the applicant relied on the judgment

5. Learned P.O Shri Chougule while opposing the Original Application has rightly pointed out the table prepared by the Commandant, State Reserve Police, Pune dated 1.6.2016. Learned P.O has explained the analysis of the quota and the reserved posts fixed by the Government while filling up the posts of Police Constables in this cadre till August, 2016.

6. We accept the explanation about the analysis of the reserved posts and the quota contingency for the purpose of clear understanding of the issue, we reproduce the chart prepared by the Respondents.

	अज	भज-ब	विमाप्र	इमाव	खुला	एकुण
माहे ऑगस्ट २०१६ पर्यंत रिक्त होणारी सशस्त्र पोलीस शिपाई संवर्गाची पदे	२२	२	५	५	१०९	१४३
७५% प्रामाणे टक्केवारी नुसार उपलब्ध होणारी पदे	१६.५	१.५	३.७५	३.७५	८१.७५	१०७.२५
राऊंड फिगर संख्या	१७	२	४	४	८२	१०९
परंतु आपल्या कडुन वर नमुद संदर्भान्वये १०७ पदे भरणेबाबत आदेश झालेने नमुद प्रमाणे पदांची निवड करण्यात आलेली आहे.	१६	१	४	४	८२	१०७

7. The Respondents have committed error in fixing the 109 posts, i.e. 75% of the total of 143 posts, which comes to 107.25, which is rounded off to 107 posts. So the 75% of the posts which

are available are to be taken into account and thereafter the quota of the reserved posts is to be fixed. The percentage of posts in ST category is 16.5% & NT(B) category is 1.5%. Therefore, they are considered as 16 posts and 1 post. Because the percentage of posts in other reserved category is more than 5% which is 75:25 in SBC, OBC and open is more than 5% and thus 3.75% for ST category and 81.75 for open category. Therefore, in these groups the period after completing the rule of rounding of number is shown as increased. However, in ST category and NT(B) category the number is decreased and the correct calculation is 107 posts i.e. 75% of total 143 posts.

8. Under such circumstances, we are of the view that the calculations made by the Respondent-State that by showing one post reserved for NT(B) category is correct and no arithmetical error is committed by the Respondents.

9. We do not find any merit in the Original Application and the same is dismissed.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 17.06.2022
Dictation taken by : A.K. Nair.