

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 1186 OF 2017  
WITH  
ORIGINAL APPLICATION NO 165 OF 2018**

**DISTRICT : MUMBAI**

**1) ORIGINAL APPLICATION NO 1186 OF 2017**

1. Mr. Shankar Dhondiba Kumbhare, )  
Occ : Police Head Constable )  
R/o: 13/7, Railway Police Colony, )  
Pantnagar, Ghatkopar [E], )  
Mumbai 400 075. )
2. Mr. Mahesh Bhaskar Ghaytad, )  
Police Nayak, R/o: Flat no. 18, )  
Prabhat Push Apartment, Adarsh Nagar )  
Panchvat, Nasik 422 003. )...**Applicants**

**Versus**

1. The Chairman/Secretary, )  
Maharashtra Public Service Commission )  
Mumbai 400 001. )
2. The State of Maharashtra )  
Through the Principal Secretary, )  
Home Department, Mantralaya, )  
Mumbai. )
3. The Director General of Police, )  
Maharashtra Police Headquarter, )  
Shahid Bhagatsingh Marg, )  
Mumbai 400 032. )
4. Surkar Pravin Rambhau, )  
Through Director General of Police, )  
Posting at Nagpur City . )
5. Wagma Tanaji Panduran, )  
Through Director General of Police, )  
Posting at Thane City. )
6. Ghogare Rajabhau Trimbakrav, )  
Through Director General of Police, )  
Posting at Yevatmal. )
7. More Pankaj Shantaram, )  
Through Director General of Police, )  
Posting at Aurangabad Rural. )

8. Kakad Ravsaheb Ashok, )  
Through Director General of Police, )  
Posting at Jalna. )
9. Khandare Bapusaheb Bhagvat, )  
Through Director General of Police, )  
SRP Group 10, Posting at Solapur. )
10. Kale Janardhan Ramkisan, )  
Through Director General of Police, )  
SRP Group 14 posting at Aurangabad. )
11. Dhore Vinod Dadasaheb, )  
Through Director General of Police, )  
Posting at Bruhan Mumbai. )
12. Mali Amit Pravin, )  
Through Director General of Police, )  
Posting at Nandurbar. )
13. Jadhav Sandip Bhausasheb, )  
Through Director General of Police, )  
SRP Group-1, Posting at Pune. )...**Respondents**

**W I T H**

**2) ORIGINAL APPLICATION NO 165 OF 2018**

**DISTRICT : MUMBAI**

1. Mr. Shashikant Namdeorao Vyaohare )  
R/at: Building No. 13, Room no. 7, )  
Railway Police Colony, )  
Pant Nagar, Ghatkopar [E], )  
Mumbai 400 075. )...**Applicant**

**Versus**

1. TheMaharashtra Public Service )  
Commission, through its Secretary, )  
Floor 5-8, Cooperage, MTNL Bldg, )  
Maharashi Karve Road, Cooperage, )  
Mumbai 400 001. )
2. ThePrincipal Secretary, )  
Home Department, )  
State of Maharashtra, Mantralaya, )  
Mumbai. )
3. The Director General of Police, )  
Maharashtra Police Headquarter, )  
Shahid Bhagatsingh Marg, )  
Mumbai 400 032. )
4. Surkar Pravin Rambhau, )

- Through Director General of Police, )  
 Posting at Nagpur City . )  
 5. Wagh Tanaji Panduran, )  
 Through Director General of Police, )  
 Posting at Thane City. )  
 6. Ghogare Rajabhau Trimbakrav, )  
 Through Director General of Police, )  
 Posting at Yevatmal. )  
 7. More Pankaj Shantaram, )  
 Through Director General of Police, )  
 Posting at Aurangabad Rural. )  
 8. Kakad Ravsaheb Ashok, )  
 Through Director General of Police, )  
 Posting at Jalna. )  
 9. Khandare Bapusaheb Bhagvat, )  
 Through Director General of Police, )  
 SRP Group 10, Posting at Solapur. )  
 10. Kale Janardhan Ramkisan, )  
 Through Director General of Police, )  
 SRP Group 14 posting at Aurangabad. )  
 11. Dhore Vinod Dadasaheb, )  
 Through Director General of Police, )  
 Posting at Bruhan Mumbai. )  
 12. Mali Amit Pravin, )  
 Through Director General of Police, )  
 Posting at Nandurbar. )  
 13. Jadhav Sandip Bhausahab, )  
 Through Director General of Police, )  
 SRP Group-1, Posting at Pune. )...**Respondents**

Shri K.R Jagdale, learned advocate for the applicants in O.A 1186/2017 & O.A 165/2018.

Shri N.P Dalvi, learned advocate for Respondent no. 1.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents no 2 & 3.

Shri S.S Dere, learned advocate for Respondents no 4 to 13 in O.A 1186/2017.

**CORAM** : **Shri Justice A.H Joshi (Chairman)**

**Shri P.N Dixit (Member) (A)**

**RESERVED ON** : **15.03.2019**

**PRONOUNCED ON** : **27.03.2019**

**PER** : **Shri Justice A.H Joshi (Chairman)**

**J U D G M E N T**

1. Heard Shri K.R Jagdale, learned advocate for the applicants in O.A 1186/2017 & O.A 165/2018, Shri N.P Dalvi, learned advocate for Respondent no. 1, Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents no 2 to 3 and Shri S.S Dere, learned advocate for Respondents no 4 to 13 in O.A 1186/2017.

2. Therefore, Original Applications are allowed with following directions:-

- (i) All these Original Applications are allowed and “पुनर्घोषणा” the declaration dated 25.9.2014 issued by M.P.S.C which is at page No. 41 of O.A 1083/2017 is quashed and set aside.
- (ii) Consequent action of M.P.S.C rejecting candidature of applicants in present O.A.s on the ground that they have availed the concession as regards upper age limit and as regards fees, is set aside.
- (iii) M.P.S.C is directed to scrutinize candidature of the applicants with reference to the bench mark of eligibility and with reference to recruitment rules and in particular by ignoring the reason of rejection and complete the scrutiny within 7 days from the date of receipt of this order.
- (iv) After complete scrutiny, M.P.S.C shall furnish to the State Government within 3 working days, the list of candidates who are found to be eligible, however, their candidature were rejected on account of “पुनर्घोषणा” dated 25.9.2014 which is quashed hereinbefore, in keeping with the statement made before this Tribunal, as recorded and narrated in foregoing paragraph.

3. In the result, parties are directed to bear their own costs.

**Sd/-**  
**(P.N Dixit)**  
**Member (A)**

**Sd/-**  
**(A.H. Joshi, J.)**  
**Chairman**

**Place : Mumbai**  
**Date : 27.03.2019**  
**Dictation taken by : A.K. Nair.**