

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 514 OF 2022**

**DISTRICT : SOLAPUR**

Shri Rupesh Akaram Khatkale,                    )  
Ex-Servicemen, R/o: A/P Akola,                )  
Tal-Sangola, Dist-Solapur.                    )**...Applicant**

**Versus**

The Superintendent of Police,                    )  
Solapur [Rural], having office at                )  
In the campus of the District                    )  
Collector, Solapur.                                )**...Respondents**

Shri B.A Bandiwadekar, 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                     : 14.03.2023**

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

1.     The applicant challenges the order dated 5.5.2022 passed by the Respondent, Superintendent of Police, Solapur, under which he cancelled the candidature of the applicant for the post of Driver Police Constable for his failure to possess the LMV (TR) License of a date prior to the cut-off date, i.e., 8.1.2020.

2. Learned counsel for the applicant has submitted that the applicant is holding Military Driving License. The said license was Renewed from time to time which was valid upto 31.12.2017. Learned counsel for the applicant has submitted that pursuant to the advertisement dated 12.12.2019 issued by the Respondent, the applicant filled the on-line application form for the post of Driver Police Constable for the vacancy reserved for Ex-Servicemen. Learned counsel for the applicant submitted that the cut-off date for the candidate to submit the application form was 22.12.2019. It was made clear that at the time of submitting the Application Form the candidate must have driving licence issued by the Competent Authority. The said cut-off date was extended from 22.12.2019 to 8.1.2020 for a candidate to possess the said driving licence. Learned counsel for the applicant has submitted that the applicant applied for the driving licence and he came to be issued learning driving licence for a period of six months from 14.12.2019 to 13.6.2020. Learned counsel for the applicant has submitted that thereafter the applicant made application to the Dy R.T.O, Akhuj on 18.1.2020 and he was issued the permanent driving licence on 13.2.2020. Learned counsel for the applicant submitted that the applicant appeared in the written examination and he secured 84 marks. Learned counsel has submitted that his name appeared at Sr. No. 15 in the temporary select list dated 31.1.2022. The applicant was thereafter called for interview on 15.2.2022. Learned counsel has submitted that at the time of verification of documents it was found that he was not holding the permanent driving licence before the cut-off date, that was extended up to 8.1.2020. Learned counsel for the applicant has submitted that however, the applicant was working in the Indian Army as a Sepoy and he was valid driving licence issued by the Armed Forces. Learned counsel for the applicant has submitted that in the Indian Army the licence is issued for one year and it

was renewed from time to time. He has produced copies of the said licence of the year 2016 and also from 1.1.2017 to 31.12.2017. Learned counsel for the applicant therefore prays that the case of the applicant be considered a he is eligible candidate in the Ex-Servicemen category and holding the driving licence issued by the Armed Forces.

3. Learned P.O while opposing the Original Application has submitted that the Respondent has issued the advertisement on 30.11.2019 and the last date of application was 22.12.2019. However, the last date was extended up to 8.1.2020. Learned P.O has submitted that it was necessary on the part of the applicant to hold valid driving licence when he applied for the post of Driver Police Constable. The applicant was not holding the permanent driving licence and yet he applied for the said post. Learned P.O while justifying the order of the Respondents has submitted that the Respondent has taken a legal decision adhering to the clauses mentioned in the advertisement and so also the Circulars.

4. We have considered the facts placed before us. In this case most of the facts are admitted. The order dated 5.5.2022 passed by the Respondent needs indulgence on our part only on the ground that it is the post of Driver Police Constable and the applicant was working in Indian Army from 2001 and he was holding driving licence issued by the Indian Army for the year 2016 and 2017. Thus, there is a proof of the fact that the applicant had knowledge and skill of driving prior to the date of the application and the Indian Army would not have otherwise issued a valid driving licence. We have considered this Driving Licence as an authentic and valid record of his knowledge and skill of driving on this ground so also for the reason that on the date of verification of the documents, i.e., on 15.2.2022, the applicant was having valid

driving licence issued on 13.2.2020. Under such circumstances, we are inclined to grant the relief as claimed for by the applicant.

5. Hence, we pass the following order:-

- (a) The Original Application is allowed.
- (b) The impugned order dated 5.5.2022, passed by the Respondent, cancelling the candidature of the applicant for the post of Driver Police Constable is hereby quashed and set aside.
- (c) The candidature of the applicant is to be considered for the post of Driver Police Constable and he is to be sent for training immediately in the next available batch.

**Sd/-**  
**(Medha Gadgil)**  
**Member (A)**

**Sd/-**  
**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**  
**Date : 14.03.2023**  
**Dictation taken by : A.K. Nair.**