

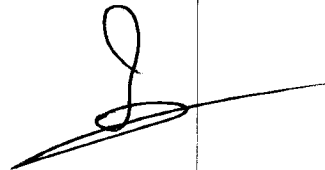
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1140 OF 2017

(Subject : Selection Process)

DISTRICT: MUMBAI

1. Shri Satish Ananda Desai)
Age : 38 years, Occ : Service.)
R/at. Room No.76, New BDD Chawl No.9,)
G.K. Road, Near Apana Bazar, Naigaon,)
Dadar (E), Mumbai 400 014)
2. Shri Rupesh Tukaram Kumbhar,)
Age : 36 years, Occu : Service,)
R/at. A/p. Sadoli (Khu), Tal. Karveer,)
Dist. Kolhapur 416 001.)
3. Shri Pundalik Kumanna Joshilkar,)
Age : 38 years, Occu : Service,)
R/at. A/p. Kini, Tal. Chandgad,)
Kolhapur 416 508.)
4. Shri Anand Shashikant Tawde,)
Age : 37 years, Occu : Service,)
R/at. Building No.11, Room No.125,)
Near Meghwadi Police Station, Meghwadi,)
MHB Colony, Jogeshwari (E),)
Mumbai 400 060.)
5. Shri Vaibhav Vitthal Patil,)
Age : 38 years, Occu : Service,)
R/at. A/p Dhebewadi, Opp.)
Veterinary Hospital, Jinti Road,)
Dhebewadi, Tal Patan,)
Dist. Satara 415 112)
6. Shri Kishor Gajanan Jaunjarkar,)
Age : 37 years, Occu. Service,)
R/at. A/p. Vihirgaon, Tal. Desaiganj,)
Dist. Gadchiroli 441 207.)



7. Shri Mangesh Babarao Parimal,
Age : 37 years, Occu : Service,
R/at. Gopalnagar, Pavan Nagar,
Police Colony, Amravati 444 607

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8. Shri Rahul Subhshrao Dhonde,
Age : 38 years, Occu. Service,
R/at. C/o. Mahendra J. Dihare,
Near Radhe Buidling, Chamorshi Road,
Gadchiroli.

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9. Shri Nitin Ramesh Patil,
Age : 37 years, Occu. Service,
R/at old Police Line No.4,
Room No.2, Thane.

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.. Applicants

Versus

1. Maharashtra Public Service Commission,
Through its Secretary,
Having office at 5 ½, 7 & 8th floor,
Cooprej Telephone Nigam Building,
Maharshi Karve Road, Cooprej, Mumbai.

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2. The Director General & Inspector General of Police,
Maharashtra State, Mumbai,
having office at : Old Council Hall,
Shaheed Bhagat Singh Marg, Mumbai 400 039

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3. The State of Maharashtra,
Through Principal Secretary,
Home Department, Mantralaya, Mumbai 32.

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4. The State of Maharashtra,
through Principal Secretary,
General Administration Department,
Mantralaya, Mumbai 32.

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.. Respondents

Shri S.D. Patil, the learned Advocate for the Applicants.

Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

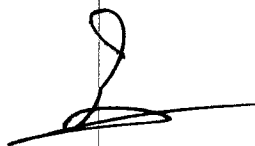
CORAM : JUSTICE SHRI A.H. JOSHI, CHAIRMAN

RESERVED ON : 19.12.2017.

PRONOUNCED ON : 21.12.2017

J U D G M E N T

1. Heard Shri S.D. Patil, the learned Advocate for the Applicants and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.
2. Heard both sides. Applicants have not been permitted to appear for main examination of written tests for the post of Police Sub Inspector.
3. The upper age limit and eligibility is governed by Police Sub Inspector Recruitment Rules, as amended in 2008.
4. It is not disputed that, to be eligible for admission to the main written test, a candidate has to pass qualifying tests within three attempts before crossing the upper age limit of 35 years.
5. Learned P.O. has tendered the list of Applicants consisting of the details which include the number of chances for passing examination availed by various Applicants.
6. Admittedly, except Applicant No.6 Shri Kishor Gajanan Jaunjarkar all other applicants' have availed three or more chances in the year mentioned in the front of name of each candidate before attaining 36 years of age, and those details are as below:-



Applicants No.	Candidates Name	After becoming eligible exam years
1	Desai Satish Ananda	2006, 2007, 2008, 2009, 2010, 2011, 2013, 2016
2	Kumbhar Rupesh Tukaram	2008, 2009, 2010, 2011, 2013, 2016
3	Joshilkar Pundlik Kumana	2010, 2011, 2013, 2016
4	Tawde Anand Shashikant	2007, 2008, 2009, 2010, 2011, 2013, 2016
5	Patil Vaibhav Vitthal	2007, 2008, 2009, 2010, 2011, 2013, 2016
6	Omitted	
7	Parimal Mangesh Babarao	2010, 2011, 2013, 2016
8	Dhonde Rahul Shubhashrao	2009, 2010, 2011, 2013, 2016
9	Patil Nitin Ramesh	2008, 2009, 2010, 2011, 2013, 2016

7. Admittedly during the span of 3 years preceding the advertisement i.e. 2014, 2015 and 2016, examination was not held only in the year 2015.

8. In the aforesaid premises what has transpired is as follows :-

- (a) The Applicants could not avail opportunity of appearing for the examination in 2015.
- (b) They have lost the opportunity to attempt in year 2015 only.
- (c) Applicants wish that the rule of three attempts should be construed to include the three attempts to be available, must be available in each year preceding the year of advertisement.

9. Applicants have failed to show that there exists any rule which supports their claim of availability of 3 chances during each year consecutively.
10. Hence claim of Applicants No.1 to 5 and 7 to 9 is without any factual and legal foundation, and they do not deserve grant of any indulgence.
11. In so far as Applicant No.6 is concerned, learned P.O. has made the statement that Applicant No.6 became eligible on 06.10.2012, and two examinations were held thereafter, therefore case of the Applicant No.6 stands on totally different footing. He either does not have any cause of action for present O.A. or it is premature.
12. In view of the foregoing discussion, Applicants have failed to show any wrong being done to them, or any cause of action for filing Original Application.
13. Hence, Original Application does not deserve any indulgence and is dismissed.



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

prk

