

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATIONS NO 1141 & 1142/2017**


**DISTRICT : SOLAPUR**

**1. ORIGINAL APPLICATION NO 1141 OF 2017**

Shri Vishwas Nivruti Patil, )  
Occ : Agriculturist, R/O Dikmal, )  
Tal-Mangalvedha, Dist-Solapur. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through the Secretary, )  
Home Department, Mantralaya, )  
Mumbai 400 032. )
2. The Collector, )  
Solapur District, Solapur. )
3. The Sub Divisional Officer, )  
Mangalvedha Sub Division, )  
Mangalvedha, Dist-Solapur. )
4. The Tahsildar, )  
Mangalvedha, Tal-Mangalvedha, )  
Dist-Solapur. )...**Respondents**

  
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**1. ORIGINAL APPLICATION NO 1142 OF 2017**

1. Shri M.N Narsale )  
 Occ : Agriculturist, R/O Dikmal, )  
 Tal-Mangalvedha, Dist-Solapur. )
2. Shri Satish V. Bhandare, )  
 Occ : Agriculturist, R/o Gulsadi, )  
 Tal : Karmala, Dist-Solapur. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
 Through the Secretary, )  
 Home Department, Mantralaya, )  
 Mumbai 400 032. )
2. The Collector, )  
 Solapur District, Solapur. )
3. The Sub Divisional Officer, )  
 Madha, Sub Division, )  
 Kurduwadi, Dist-Solapur. )
4. The Tahsildar, )  
 Mhada, Tal-Mhada, )  
 Dist-Solapur. )
5. The Tahsildar, )  
 Tal-Karmala, Dist-Solapur. )...**Respondents**

Shri L.S Deshmukh, learned advocate for the Applicants.

Ms Swati Manchekar, learned Chief Presenting Officer with Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

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

**RESERVED ON : 13.12.2017**  
**PRONOUNCED ON : 19.12.2017**

**ORDER**

1. Heard Shri L.S Deshmukh, learned advocate for the Applicants and Ms Swati Manchekar, learned Chief Presenting Officer with Smt K.S Gaikwad, learned Presenting Officer for the Respondents.
2. These Original Applications are heard together and are being disposed of by a common order since the issues to be decided are concurrent.
3. The applicants have challenged the reservation of post of Police Patil for the village Diksal and Mangalvedha.
4. The applicants' claim on the basis of which the Government decision to reserve the post is challenged is averred in Ground Paras (c) & (f), which read as follows:-

“(c) That the Hon’ble Supreme Court and Hon’ble Bombay High Court have settled the position of law that reservation cannot be applied to the single post or there cannot be reservation for isolation post. However, in the present case also the post of village Police Patil is single post in Applicant’s village and Respondent no. 3 has earmarked the said post for Scheduled Tribe category.

(f) That the impugned advertisement earmarks the post of village Police Patil of applicant’s village to the



Scheduled Tribes also violates the applicant's fundamental rights guaranteed under Article 16 of the Constitution of India.

5. Learned advocate for the applicants in both O.As, were asked following question:-

- (a) If applicants proposition that post of Police Patil qua each village concerned, being only one as to perpetually remain unreserved being a solitary post, and in what manner if at all 100 point roster is to be applied, how should it be applied?
- (b) Application of 100 pint roaster based on supposition that 100 or more posts exist, and posts in a territory are considered as a cadre, which rule of law or precedent requires that a post at each village be treated as a solitary post.

6. Learned Advocate for the applicants has no reply to the questions put to them.

7. This Tribunal will have to look at the question which has arisen in the present case with a perspective applicable to the facts of the case.

8. If applicants' plea is to be accepted totally new legislative formula may have to be devised to deal with situation of present nature, i.e. where the post at a village shall have to be treated as an independent cadre. I

9. In case a formula applicable to the post of Police Patil of each village as a separate cadre is devised one and all posts of Police

Patil shall become solitary post and all posts shall become unreserved.

10. The executive action of allocating reservation in a manner which is practicable as much it could be cannot come under the cloud of violating the rule of precedent of not allowing reservation more than 50%, has no application to the facts of the present case.

11. Applicants have failed to exert to find out the rational which has led to the policy of the Government on the basis of which reservation are done, to challenge is based on law as well as precedents.

12. Result is that the wisdom underlying reservation is not open for challenge. In absence of legislation some reasonable policy can be adopted by the State.

13. In the result, challenge turns out to be based on a "wish" than on an illegality or violation of Fundamental Right. Thus the challenge utterly fails.

14. The only option with the applicants is to approach the State with request based on their wisdom and pray for modification in the reservation.

15. The Original Applications does not possess any merit and are dismissed.

Sd/-

(A.H Joshi, J.)  
Chairman

**Place : Mumbai**

**Date : 19.12.2017**

**Dictation taken by : A.K. Nair.**