

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 134/2016

Meera D/o Devsing Rathod,
Aged about 27 yers, Occ. Household,
R/o Ashta, Post Kandli, Tq. Digras,
District Yavatmal.

Applicant.

Versus

- 1) State of Maharashtra
through its Secretary,
Home Department, Mantralaya,
Mumbai.
- 2) The Sub Divisional Magistrate &
Chairman, Police Patil Selection
Committee, Pusad, Tq. Pusad,
District Yavatmal.
- 3) Harshlata Sachin Jadhao
Aged adult, Occ. Household,
R/o Ashta, Post Kandli, Tah. Digras,
District Yavatmal.
- 4) Nirmala Mansing Chavhan,
Aged adult, Occ. Household,
R/o Ashta, Post Kandli, Tah. Digras,
District Yavatmal.

Respondents

Shri A.P. Mirza, Advocate for the applicant.

Smt. S.V. Kolhe, P.O. for respondent nos. 1&2.

Shri D.B. Pawar, Advocate for respondent no.3.

None for R-4.

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGEMENT

(Delivered on this day 20th of June,2017)

Heard Shri A.S. Siddiqui, Id. Counsel holding for Shri A.B. Mirza, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for respondent nos. 1&2. None for respondent nos. 3&4.

2. The applicant applied for the post of Police Patil of village Ashta in pursuance of the advertisement dated 10/9/2015. She appeared for the written examination and admittedly was selected for the post. The appointment order came to be issued in favour of the applicant on 3/11/2015 which is at P.B. page no.27. The applicant was asked to produce medical certificate of fitness and accordingly she submitted the medical certificate issued by Civil Surgeon, General Hospital, Yavatmal on 10/11/2015 which is at P.B. page no.28. However, vide impugned order dated 4/2/2016 the applicant has been declared unfit for the post and the appointment order was cancelled. The applicant has claimed that the order of cancellation of her appointment dated 4/2/2016 issued by respondent no.2, i.e., The Sub Divisional Magistrate & Chairman of Police Patil Selection Committee, Pusad be cancelled and the selection order dated 3/11/2015 in favour of the applicant be restored and the respondent no.2 be directed to issue appointment order in favour of the applicant.

3. The respondent no.2 resisted the claim by filing affidavit-in-reply. It is stated that the Maharashtra Village Police Patil (Recruitment, Salary, Allowances & Other Terms of Service) Order,1968, criteria for appointment of the Police Patil is provided and as per said criteria the candidate must be physically fit to perform the duties of Police Patil. The respondent no.2 has also relied on the Circular dated 26/8/2010 with reference to the Recruitment of Police Patil within jurisdiction of the SDO, Alamner, District Jalgaon wherein it is specifically mentioned that the Police Patils are required to perform duty which is field work in nature and hence the person to be appointed for the said post must be physically fit.

4. As regards to applicant it is stated that the Civil Surgeon, General Hospital, Yavatmal has certified that the applicant is having 49% disability of right upper limb due to Polio and as such she is not fit for performing the duties of Police Patil. The respondent no.2 also filed on record the Recruitment Rules and relevant documents.

5. Perusal of the appointment order which was issued in favour of the applicant and which was subsequently cancelled by respondent no.2 is placed on record at P.B. page no.27, Annex-A-7 is dated 3/11/2015. In the very first condition of the appointment order it is mentioned as under :-

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6. It seems that the applicant has produced the medical certificate from the Civil Surgeon, General Hospital, Yavatmal on 10/11/2015 in which it was stated that the applicant was physically and mentally fit for duty except right upper limb disability to the tune of 49%.

7. The applicant herself has also produced on record one order passed by the SDO, Pusad and Chairman of Police Patil Selection Committee, Pusad dated 4/2/2016. In the said order the Committee came to the conclusion that the applicant was permanently disabled to the tune of 49% and therefore she was disqualified since she was not physically fit.

8. Considering the certificate and the various documents placed on record, this Tribunal was pleased to pass a detailed order on 26/9/2016 and it was observed that the applicant was not examined from the view point as to whether she was fit or not fit to do work as a Police Patil and therefore the SDO was directed to write a letter to Civil Surgeon to examine the applicant in the light of rule (3)

(d) and to get ascertain whether the applicant is physically fit to do the work of Police Patil.

9. The learned P.O. has placed on record the medical certificate issued by the District Medical Board for deciding permanent disability. The said certificate is Exh-X and is at P.B. page nos. 98 & 99. The said certificate is signed by four Members of the Board. The Medical Board has certified that the applicant is not able to perform a job as Police Patil. Thus it will be crystal clear that the competent Medical Board has now certified that the applicant cannot perform her duty as a Police Patil. As per the terms and conditions of Recruitment Rules and various Circulars placed on record it is clear that a person to be appointed to the post of Police Patil must be physically fit. Since the applicant is physically unfit to perform her duty as a Police Patil, the respondent/ competent authority has rightly refused to appoint her on the said post. When on submitting the medical certificate, the Competent Recruitment Board found that the applicant was unfit for being posted as a Police Patil, the respondent no.2 has rightly cancelled her order of appointment. I do not find any illegality in the said order.

10. In view of the discussion in forgoing paras, I do not find any merits in the O.A. Hence, the following order :-

ORDER

The O.A. stands dismissed with no order as to costs.

(J.D. Kulkarni)
Vice-Chairman (J).

dnk.