

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.275/2016. (S.B.)

Dnyaneshwar Manoharrao Wase,
Aged about 39 years,
Occ-Farmer,
R/o At-Digalwadi, Post- Itgaon,
Tq. Parseoni, Distt. Nagpur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Chief Secretary,
Department of Home, World Trade Centre,
Cuffe Parade, Mumbai-05.
2. The Sub-Divisional Officer,
Administrative Building, Ramtek,
Distt. Nagpur.
3. Sheshrao Gulabrao Manpe,
Aged about 35 years,
Occ-Private,
R/o At-Digalwadi, Post- Itgaon,
Tq. Parseoni, Distt. Nagpur.

Respondents

Shri B.W. Patil, the Ld. Advocate for the applicant.
Shri V.A. Kulkarni, the Ld. P.O. for respondents 1 and 2.
None for respondent No.3.

Coram:-Shri J.D. Kulkarni,
Vice-Chairman (J)

JUDGMENT

(Delivered on this 19th day of September 2018.)

Heard Shri B.W. Patil, the learned counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for respondent Nos. 1 and 2. None for respondent No.3.

2. The applicant is claiming declaration that the answer sheet of respondent No.3 has not been properly checked as per rules and instructions and has also claimed declaration that the respondent No.3 has been wrongly given 3 marks more, though he has actually scored 44 marks instead of 47. He is also claiming quashing and setting aside the appointment order of respondent No.3 as a Police Patil of village Digalwadi Post- Itgaon, Tehsil- Parseoni, Distt. Nagpur. It is further claimed that, the respondent Nos. 1 and 2 be directed to appoint the applicant on the said post.

3. The applicant and respondent No.3 participated in the process of recruitment to the post of Police Patil of village Digalwadi Post- Itgaon, Tehsil- Parseoni, Distt. Nagpur, in pursuance of Proclamation dated 29.11.2015. On 10.2.2016, oral test-cum-interview was conducted by five examiners. It is stated that the applicant has scored 14.5 marks out of 20, whereas the respondent

No.3 scored 14 marks. However, the respondent No.2 has wrongly and negligently given more marks to respondent No.3 by not properly considering the answers and wrongly appointed respondent No.3 as Police Patil.

4. The respondent No.2 resisted the claim and submitted that after valuation of papers, result was declared in which the applicant scored 46 marks out of 80, whereas respondent No.3 scored 47 marks out of 80 in written examination and thereafter they were called for interview. It is further stated that five members' Committee analyzed every candidate on their own merits. The applicant scored 46 + 14.5 marks, totaling 60.5 marks out of 100 and, therefore, on merits respondent No.3 was selected. The applicant has not taken any objection immediately as per the G.R. dated 22.8.2014. Objection was taken for the first time after entire process was over and result was declared and only after appointment of respondent No.3 as Police Patil, respondent No.2 denied that there is any mistake or error or manipulation in checking papers.

5. The learned counsel for the applicant submits that it was specifically mentioned on the answer paper that there shall be no scoring in the column of answers and if such scoring was found, answers will not be considered for valuation. The learned counsel for

the applicant tried to invite my attention to the copy of answer paper of the applicant (A-1) and answer paper of respondent No.3 (A-2) at page Nos. 11 to 17 and 18 to 24 respectively. It is material to note that, this objection was never taken by the applicant when the result was declared and final list of selection was placed on board. The respondent No.3 has already been appointed on the post of Police Patil. The result was declared on 10.2.2016 and no objection was taken on the allegations that the papers were not checked properly and all of a sudden, this O.A. has been filed on 27.4.2016. Thus, it seems that the applicant is taking objection for the entire process only after the appointment of respondent No.3. It was necessary for the applicant to immediately object for the marks obtained by respondent No.3. or in case he was not satisfied with the checking of papers. It is material to note that, no allegations of malafides are made against the competent authorities. There is nothing on record to show that, the respondent authority was, in any manner, prejudiced against the applicant or was intentionally favouring the respondent No.3 and, therefore, considering all these aspects, I do not find any reason to interfere in the allotment of marks by the competent committee which consisted of five members and hence, I proceed to pass the following order:-

ORDER

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

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

Dated:- 19.9.2018.