

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 276/2018 (S.B.)

Anil S/o Ramrao Devalkar,
Aged about 43 years, Occ. Agriculturist,
R/o Ganeshpur (Khurd), Post – Marki,
Tq. Zari Jamni, Dist. Yavatmal.

Applicant.

Versus

- 1) State of Maharashtra
through its Secretary,
Home Department,
Mantralaya, Mumbai -32.
- 2) Collector, Yavatmal,
Dist. Yavatmal.
- 3) Police Patil Selection Committee and
Sub Divisional Magistrate, Kelapur,
Tq. Kelapur, Dist. Yavatmal.
- 4) Shri Pandit S/o Raghoba Dhengale,
Aged about years, Occ. Agriculturist,
R/o Ganeshpur (Khurd), Post Marki,
Tq. Zari Jamni, Dist. Yavatmal.

Respondents.

**S/Shri M.M. Chaudhari, N.U. Pachpor, A.S. Fale, Advs. for the
applicant.**

Shri S.A. Sainis, P.O. for respondent nos. 1 to 3.

Shri R.S. Kurekar, Advocate for respondent no.4.

**Coram :- Hon'ble Shri Anand Karanjkar,
Member (J).**

Date of Reserving for Judgment : 27th June, 2019.

Date of Pronouncement of Judgment : 23rd July, 2019.

JUDGMENT

(Delivered on this 23rd day of July,2019)

Heard Shri A.S. Dhore, learned counsel for the applicant and S.A. Sainis, learned P.O. for respondent nos. 1 to 3 and Shri S.M. Bhagde, learned counsel holding for Shri R.S. Kurekar, learned counsel for respondent no.4.

2. The applicant is challenging appointment of respondent no.4 as Police Patil. The facts in brief are as under –

3. The advertisement was published by the respondent no.3 to fill the post of Police Patil of village Ganeshpur (Khurd), Tq. Zari Jamni, Dist. Yavatmal. The applicant as well as the respondent no.4 submitted applications and applied to the post. It is grievance of the applicant that the answer sheet of the respondent no.4 was suspicious, some answers were written in different hand writing, the objection was raised by the applicant was not entertained. It is submitted that this different hand writing was in fact suggesting playing of fraud in the recruitment process, therefore, the Notification dated 21/02/2018 be cancelled and direction be given to the respondent nos. 1 to 3 to conduct fresh selection process.

4. The respondent no.3 submitted reply which is at page no.19. It is submitted that there is no substance in the contentions raised by the applicant. The contentions raised by the applicant are without any foundation and only because the applicant is not selected, therefore, vague allegations are made by the applicant to harass the respondents. It is submitted that there is no substance in the contentions that the answers written by the respondent no.4 are in different hand writing. It is submitted that the answer paper of the respondent no.4 was examined as per rules and there was nothing suspicious in the answer sheet. It is submitted that the application is devoid of any substance and therefore it be dismissed.

5. I have heard submissions on behalf of the applicant and on behalf of the respondent nos. 1 to 3. I have perused the copy of the answer sheet of the respondent no.4 which is at page no.12. Though it is alleged by the applicant that the answers are written by two different persons, but after reading the answer paper, it is not possible to accept this submission. The applicant is not hand writing expert. Similarly, without seeking expert opinion this inference is drawn by the applicant, which not based on any just reason, therefore, merely on the basis of applicant's contention it is not possible to draw the inference that the answer sheet in handwriting of two different person. The legal position is settled that the Judge should not do the

exercise of the handwriting expert, the Judge should not compare the handwriting, because he is not trained in that field. In view of these facts it must be accepted that except bare words there is no foundation to the claim of the applicant.

6. The second important aspect is that it is nowhere alleged in the application that any officer who was present at the time of examination had any reason to show undue favour to the respondent no.4. In my opinion only because the applicant is not selected, therefore, the present application is filed making baseless allegations. In the result, the following order –

ORDER

The O.A. stands dismissed. No order as to costs.

Dated :- 23/07/2019.

*dnk.....

(A.D. Karanjkar)
Member (J).

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 23/07/2019.
and pronounced on

Uploaded on : 23/07/2019.