

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**AURANGABAD BENCH AURANGABAD**  
**ORIGINAL APPLICATION NO. 311 of 2015**

Kalpna Maruti Patil,  
Aged about 24 years, Occ. Education,  
R/o Dhanora (Bk), Tq. Ambajogai, Dist. Beed.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through Principal Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai-32.  
(Copy to be served on P.O., M.A.T., Aurangabad).
- 2) The Collector,  
Beed, Tq. & Dist. Beed.
- 3) The Sub-Divisional Officer,  
Ambajogai, Tq. Ambajogai,  
Dist. Beed.
- 4) The Tahsildar,  
Ambajogai, Tq. Ambajogai.
- 5) Anjana Mahadeo Kasture,  
Aged Major, Occ. Education,  
R/o Patewadgaon, Tq. Ambajogai,  
Dist. Beed.
- 6) Mirabai Prakash Hibare,  
Aged : Major, Occ. Education,  
R/o Balutyachamala, Ganesh Nagar,  
Ambajogai, Tq. Ambajogai, Dist. Beed.

**Respondents**

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**Shri H.P. Jadhav, Advocate for the applicant.**  
**Smt. Resha S. Deshmukh-Ghate, Id. P.O. for the respondent**  
**nos.1 to 4.**  
**None for R-5&6.**

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

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**JUDGEMENT**

**(Delivered on this 22<sup>nd</sup> day of September,2017)**

Heard Shri H.P. Jadhav, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, Id. P.O. for respondent nos. 1 to 4. None for R-5&6.

2. The applicant has challenged the order of selection of respondent no.5 on the post of Kotwal from Open category and order of selection of respondent no.6 from OBC category. The said order was passed by respondent no.3, i.e.,The Sub-Divisional Officer (SDO),Ambajogai, Dist. Beed on 4/3/2015. The applicant is also claiming a direction that the appointment order in respect of respondent nos. 5&6 be quashed and applicant be appointed as Kotwal.

3. The advertisement was published for the post of Kotwal on 14/1/2015 by the SDO, Ambajogai. Admittedly, the applicant and respondent nos. 5&6 took part in the recruitment process. The select list was published on 4/3/2015. The name of the applicant stood at wait list sr.no.1 having secured 69 marks, whereas the respondent no.5 got 70 marks but she is from OBC category but was selected

from Open category. The respondent no.6 got 55 marks only, but she was selected from OBC (female) category.

4. The grievance of the applicant is that the candidate belonging to OBC category, i.e., respondent no.5 is selected from Open category and candidate who got less marks than the applicant in written examination found place in the final select list and therefore malpractices have been done. In the final selection list published on 4/3/2015 the name of the applicant stood in the wait list of Open (female) category is totally against the constitutional provisions as regards reservation. The applicant therefore raised the question as to whether the appointment of respondent no.5 & 6 on the post of Kotwal in Ambajogai Taluka is legal and proper in the eye of law as per the G.R. dated 13/8/2014.

5. The respondent nos. 2 to 4 have filed reply-affidavit. In para-7 the respondents submitted that from Open category three posts were reserved for female candidates. For these posts 15 candidates having highest marks were considered for oral examination and from these 15 candidates 3 female candidates having highest marks were selected. It is stated that Archana Villas Dandnaik obtained 75 marks, one Anjana Mahadeo Kasture obtained 70 marks and Koushlya Sugriv Mane obtained 70 marks and therefore

were selected from Open (female) category. The applicant got 69 marks and as such was kept on wait list.

6. According to the respondents Archana Villas Dandnaik and Kaushlya Sugriv Mane filed their applications from Open (female) reserved category, while Anjana Mahadeo Kasture filed her application from Other Backward Class category. However since Anjana Mahadeo Kasture got more marks in written examination she was considered from ladies reserved category and she also obtained more marks in the oral examination.

7. The learned counsel for the applicant submits that as per merit list the applicant should have been selected but respondent authorities have selected Anjana Mahadeo Kasture in the Open (female) category though she belongs to OBC category. The merit list as regards Open category shows that the Archana Vilas Dandnaik and Koushlya Sugriva Mane have been shown from Open (female) and Anjana Mahadeo Kasture has been shown from OBC and these three candidates are selected. It is material to note that the Archana Vilas Dandnaik who got 75 marks, whereas Anjana Mahadeo Kasture and Koushlya Sugriva Mane got 70 marks each. Therefore, all the three candidates selected who got more marks than the applicant. The applicant belongs to Open category got 69 marks and therefore she has been shown at wait list no.1, whereas, one Bhagyashree Tukaram

Waghmare who got 58 marks has been shown at wait list no.2 as per the Chart which is at P.B. Page no.65 / 73 regarding select/wait list from Open woman categories.

8. The respondent authorities have placed on record the Minutes of Meeting as regards selection of Kotwal. This minutes of the meeting has been placed on record which is at P.B. Page nos. 365 to 390 (both inclusive). From the said minutes it seems that even though Anjana Mahadeo Kasture has been shown to have belongs to OBC category, she has applied for the post from Open (female) category and therefore she was rightly placed in the select list as she got more marks than the applicant. I, therefore, do not find any illegality in the said selection.

9. The learned counsel for the applicant placed reliance the Judgement in W.P. No.10103/2015 delivered by the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in case of **Ms. Rajani D/o Shaileshkumar Khobragade Vs. State of Maharashtra & Ors.** The said Judgment may not be applicable to the present set of facts. In this case there is no exchange of post from one category to other. All the three women candidates, who have been selected for being appointed as Kotwal have applied from Open category and therefore it makes no difference as to what is the Caste of one of the selected candidates i.e. Anjana Mahadeo Kasture. She is selected

from Open category and was having more marks than the applicant and therefore I do not find any illegality in the order.

10. The learned counsel for the applicant submits that one of candidates was selected for appointment but was disqualified and therefore was not appointed and therefore the applicant can be adjusted in her place. It is to be noted that this appointment process relates to the year,2015 and even the waiting list must have lapsed uptill now. However, it is better to leave this decision to be taken by the Competent Authority if it desires to do so as per administrative convenience or in the interest of administration. The applicant may file representation for the same. In view thereof the following order :-

**ORDER**

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

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

dnk.