

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO.40/2017.**

Mrs. Nirmala Satyawan Yelmule,  
Aged about 34 years,  
Occ-Nil,  
R/o Mouza Podsa (Juna), Tq. Gondpipri,  
Disttt. Chandrapur.

**Applicant**

**-Versus-**

- 1) The State of Maharashtra,  
Through its Secretary,  
Department of Home,  
Mantralaya, Mumbai-440 032.
- 2) The Collector,  
Chandrapur.
- 3) The Sub-Divisional Officer,  
Gondpipri, Disttt. Chandrapur.
- 4) Mrs. Madhuri Devidas Satpute,  
Aged about years,  
R/o Mouza Podsa (Juna), Tq. Gondpipri,  
Disttt. Chandrapur.

**Respondents**

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Shri S.M. Khan, Ld. Counsel for the applicant.  
Smt. S.V. Kolhe, learned P.O. for the respondent Nos. 1 to 3.  
Shri A. Mardikar, the learned counsel for respondent No.4.

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

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**JUDGMENT****(Delivered on this 17<sup>th</sup> day of April 2017.)**

Heard Shri S.M. Khan, the learned counsel for the applicant, Smt. S.V. Kolhe, the learned P.O. for respondent Nos. 1 to 3 and Shri A. Mardikar, the learned counsel for respondent No.4.

2. The applicant has applied for the post of Police Patil of village Podsa (Juna), Tehsil Gondpipri, District- Chandrapur in response to the advertisement dated 1.6.2015 and she was appointed to the said post vide order dated 5.9.2015 for a period of five years i.e. from 5.9.2015 to 4.9.2010 by respondent No.2. However, respondent No.4 Mrs. Madhuri Devidas Satpute filed an objection to her appointment. The Sub-Divisional Officer, Gondpipri initially passed *status-quo* order and in the meantime, the new Sub-Divisional Officer joined at Gondpipri. The new Sub-Divisional Officer, Gondpipri passed an order on 30.12.2016 whereby the order of the applicant as regards her appointment to the post of Police Patil was cancelled. This order is challenged in this O.A. The applicant has claimed that said order be quashed and set aside and she be reinstated as Police Patil for village Podsa (Juna), Tehsil-Gondpipri.

3. The order dated 30.12.2016 was passed by the new Sub-Divisional Officer, Gondpipri. His predecessor came to the conclusion that, though the complainant (R.4) Mrs. Madhuri Devidas Satpute got more marks than the applicant, she was not eligible for being appointed as Police Patil, since she was taking part in the political affairs and in her place, the applicant was appointed. The Sub-Divisional Officer, Gondpipri came to the conclusion that Smt. Madhuri Devidas Satpute was not taking part in the political activities and that she was holding the post of Sarpanch nominally and Sarpanch Committee was already dissolved.

4. The applicant has filed rejoinder and in rejoinder-affidavit, the applicant submitted that the respondent No.4 on whose complaint, her appointment was cancelled, was in fact not qualified and was active member of political party. Alongwith the said rejoinder affidavit, the applicant has filed pamphlet showing that the respondent No.4 contested Zilla Parishad election for Indian National Congress. This clearly shows that the findings of the Sub-Divisional Officer, Gondpipri that the respondent No.4 has not participated in the political affairs, is incorrect. The respondent No.3 tried to justify the order.

5. The learned counsel for the applicant submits that, respondent No.4 had resigned during the pendency of the O.A. and

her resignation letter is dated 23.1.2017. The learned counsel for respondent No.4 admits the fact that respondent No.4 has resigned and she is no more interested in the matter. The learned counsel for the applicant also placed reliance on the judgment delivered by Auragabad Bench of this Tribunal in **O.A. No. 352/2016 in case of Sou. Sangita Balkisan Sangle V/s State of Maharashtra and others delivered on 22.11.2016 and O.A. No. 318/2016 in case of Nivrutti Eknath Wagh V/s State of Maharashtra and others delivered on 30.1.2017.** In these judgments, it was held that if a candidate was attached to political activities on the date of application for the post of Police Patil, such a candidate is not eligible. If these aspects are considered then, it will be clear that respondent No.4 in fact was not at all eligible for applying to the post of Police Patil. The order passed by the Sub-Divisional Officer, Gondpipri dated 30.12.2016, therefore, seems to be illegal, as the learned Sub-Divisional Officer, Gondpipri did not consider the fact that respondent No.4 was taking part in the political activities. In view of the fact that respondent No.4 has already resigned and considering the fact that the applicant has secured highest marks than respondent No.4, there is no impediment in appointing the applicant as Police Patil. Hence, the following order:-

**ORDER**

- (i) The O.A. is allowed.
- (ii) The impugned order dated 30.12.2016 passed by the Sub-Divisional Officer, Gondpipri is quashed and set aside.
- (iii) The respondent No.3 is directed to reinstate the applicant to her original post of Police Patil.
- (iv) Necessary order shall be passed within one month from the date of this order.
- (v) No order as to costs.

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

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