

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO.46/2017.**

Gunwant Jankiram Umbarkar,  
Aged about 35 years,  
Occ-Nil,  
R/o Mouza Undirgaon, 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. Kusum Hirachand Barsagade,  
Aged about years,  
R/o Mouza Undirgaon, 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 was appointed to the post of Police Patil of village Undirgaon, Tehsil Gondpipri, District- Chandrapur vide order dated 17.2.2014. Mrs. Kusum Hirachand Barsagade (R.4) objected for his appointment. It was the say of respondent No.4 that the post of Police Patil of village Undirgaon was reserved for S.C. (Female). However, the applicant was appointed, though he is male on the said post. The said objection was heard by the Sub-Divisional Officer, Gondpipri and vide impugned order dated 30.12.2016, appointment order of the applicant was cancelled. According to the applicant, the impugned order dated 30.12.2016 is illegal. It is stated that the respondents did not consider the G.R. dated 16.10.2008 and 7.9.1999 which empowers the Sub-Divisional Officer to appoint a candidate, if the appropriate candidate from reserved class is not available. He, therefore, prayed that the impugned order dated 30.12.2016 be quashed and set aside and the applicant be reinstated as Police Patil of village Undirgaon.

3. Respondent No.4 filed affidavit in reply and took preliminary objection stating that the post was reserved for S.C. (Female). Since the applicant does not belong to S.C. nor he is a female, his appointment was illegal. Respondent No.4 has secured highest marks in oral as well as in written test from S.C. (Female) category and, therefore, she should have been appointed.

4. Respondent Nos. 2 and 3 also resisted the claim and stated that applicant's appointment was illegal and a suitable candidate from S.C. (Female) category i.e. respondent No.4 was available and, therefore, after giving an opportunity to the applicant, his order of appointment has been cancelled.

5. Perusal of the documents on record clearly show that the post of Police Patil of village Undirgaon was reserved for S.C. (Female) category and, therefore, in such circumstances, there was no question of appointing a male candidate for the said post. Secondly, the applicant does not belong to SC category. He is from OBC category. Respondent No.4 was very much eligible and secured highest marks from S.C. (Female) category and, therefore, there was absolutely no reason to deny appointment order in her favour. In my opinion, the learned Sub-Divisional Officer, Gondpipri has rightly considered all the aspects so also the G.Rs applicable and, therefore,

has rightly cancelled the order of appointment of the applicant and has rightly appointed respondent No.4 in his place. I, therefore, do not find any merit in this O.A. Hence, the following order:-

**ORDER**

- (i) The O.A. is dismissed with no order as to costs.

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

pdg