

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO.47/2017.**

Dilip Jairam Kashti,  
Aged about 35 years,  
Occ-Nil,  
R/o Mouza Bhanarheti, 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.Anusaya Vilas Valate,  
Aged about years,  
R/o Mouza Bhanarheti, 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.  
None appeared 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 and Smt. S.V. Kolhe, the learned P.O. for respondent Nos. 1 to 3. None appeared for respondent No.4.

2. In this case, the applicant has prayed that the impugned order dated 30.12.2016 issued by Sub-Divisional Officer, Gondpipri be quashed and set aside and the applicant be reinstated in the post of Police Patil of village Bhanarheti, Tehsil Gondpipri, District-Chandrapur. The post of Police Patil of village Bhanarheti was reserved for ST. The applicant belongs to OBC and inspite of this fact, the applicant was appointed. Respondent No.4 Mrs.Anusaya Vilas Valate filed a complaint against the said appointment of the applicant and the said complaint was heard by the Sub-Divisional Officer, Gondpipri, after giving full opportunity to the applicant. Vide order dated 30.12.2016, the Sub-Divisional Officer, Gondpipri came to the conclusion that the post was reserved for ST and inspite of this fact, the applicant who belongs to OBC was appointed and, therefore, appointment order was cancelled. The Sub-Divisional Officer, Gondpipri in para 2 of his order has observed thus:-

श्रीगौजा भनारहेट ता. गडामपर येथील पोलस पाटल पद अनुसूचित जमातीकरता राखीव ठेवण्यात आलेले आहे. महाराष्ट्र शासन गृह विभाग शासन जणख . ब्रह्मी ११०७/०.५१५/पोल-८ दनांक १६ ऑक्टोबर २००८ चे पराच्छेद (फ) (१) मध्ये अनुसूचित जमातीचा उमेदवार उपलब्ध न झाल्यास अनुसूचित जाती व अनुसूचित जमाती या वर्गा गटातील उमेदवाराकडून अपलाबलजे पदे भरण्यात यावीत. गटातील उमेदवार उपलब्ध न झाल्यास ते पद खुप्या वर्गातून भरण्यात यावे. अशी तरतूद आहे. पोलस पाटल पद भरती अभिलेखाची पडताळणी केल असता गैरअजदार यांनी इतर मागास वर्गावगातून अजदाखल केलेला असण्याचे दसून येते. लेखी परेत अजदार यांना एकूण ८० गुणांपैकी फक्त ३४ गुण मिळाले असयामुळे महाराष्ट्र शासन गृह विभाग शासन जणख . ब्रह्मी १११३/१७६७.५९२/पोल-८ दनांक २२ ऑगस्ट २०१४ चे अनुमांक २ अध्ये यांना तडी परेकरता अपा ठरवण्यात आले. यामुळे अजदारावर कोणताहू अपाय झालेला नाहू

3. I absolutely find no reason to interfere in the said order. The impugned order passed by Sub-Divisional Officer, Gondpipri is perfectly legal and proper for the reasons stated therein. There is no merit in the say of the applicant. Hence, the following order:-

### **ORDER**

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

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

pdg

