

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 494 of 2015 (S.B.)

Sau. Sanjivani Anand Raut,
Aged about 31 years,
Occupation : Agriculturist,
R/o Sawargaon, Tah. Mangrulpir,
District : Washim.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Home Department, Mantralaya,
Mumbai.
- 2) The Sub Divisional Officer,
Mangrulpir, Tq. Mangrulpir,
District : Washim.
- 3) Sau. Nanda Subhash Raut,
Aged about 43 years, Occupation : Household,
R/o Ward no.2, near Gramin Bank, Main Road,
Mangrulpir, Tq. Mangrulpir, District : Washim.

Respondents

Shri Anand Deshpande, Advocate for the applicant.

Shri M.I. Khan, learned P.O. for respondent nos.1&2.

Shri Rahul Shiralkar, Amol Darekar, Advocates for resp.no.3

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

JUDGMENT

(Delivered on this 26th day of March,2018)

Heard Shri Anand Deshpande, learned counsel for the applicant, Shri M.I. Khan, learned P.O. for respondent nos.1&2 and Shri R.V. Shiralkar, learned counsel for respondent no.3.

2. The applicant Sau. Sajivani Anand Raut has filed this application. In the O.A., it was prayed that the respondent no.2, i.e., the Sub-Divisional Officer, Mangrulpir be directed to decide her objection dated 21/08/2015 (Annex-A-4) (however Annex-A-4 shows date as 20/08/2015) and for a declaration that the respondent no.3 is not eligible and qualified for the post of Police Patil at village Sawargaon, Tq. Mangrulpir, District Washim.

3. During the pendency of the O.A. the respondent no.3 was appointed on the post of Police Patil vide order dated 01/09/2015 (Annex-A-5) and therefore by way of amendment the applicant prayed that the appointment order in respect of respondent no.3 be quashed and set aside.

4. Admittedly, the applicant and respondent no.3 applied for the post of Police Patil in pursuance of the advertisement dated 22/05/2015. The final selection list was published as per the Annex-A-6 on 03/08/2015 in which the respondent no.3 was selected for the post.

5. According to the applicant, she has filed objection for the appointment of respondent no.3 on 20/08/2015 and stated that the respondent no.3 is not resident of Mouza Sawargaon. As per the advertisement, the candidate to be appointed must be resident of village of Sawargaon and therefore she objected for the appointment.

It was stated that the respondent no.3 was residing at Washim at her husband's house and therefore she was not eligible, however her objection was not considered.

6. The respondent no.2 resisted the claim of the applicant. The respondent no.2 admitted that the objection raised by the applicant was not decided. According to the respondent no.2, the final list of eligible candidates was published on 12/06/2015 and it was found that the respondent no.3, Sau. Nanda Subhash Raut topped the list. Below the name of Sau. Nanda S. Raut one Usha Tejas Raut was placed and the applicant was placed at sr.no.3 in the order of merit. The copy of the intimation in this regard was published is at P.B. page no.44. The Clause no.4 of the said intimation reads as under:-

*^ mi jkDr l oZmenokjkauk l phr dj.; kr ; srsdhlj ojhy ifl /n ; knhud kj ik= vtkph
l pko.kh fnukad 16@06@2015 jksth ; k dk; kly; kr Bd.; kr vkyh vkgs T; k menokjkauk
l nj ; knh ckr dkgh gjdr@ vk{ksi ?; ko; kps ys{kh vtZ o ijko; k l g fnukad
16@06@2015 i; r ys{kh Lo#i kr ; k dk; kly; kr %mi foHkkxh; nMkf/kdljh
dk; kly;]ex#Gihj½ ; fks l knj djkos emrhurj vkyY; k gjdr@ vk{ksi vtkph fopkj
dsk tk.kkj ukgh di ; k ; kph ukm ?; koh***

7. According to respondent no.2, it was clearly mentioned in Clause-4 that if the candidates have any objection regarding the appointment to be given to the candidate, such objection shall be filed on or before 16/06/2015 in writing and it was also mentioned that the objections received thereafter will not be considered. In spite such specific direction, the applicant did not take any objection. She has

taken objection on 20/08/2015 (P-47&48). Thus after publication of the notification the applicant has taken objection after more than two months and therefore the same was not considered.

8. As regards the applicant's claim on merits, it is alleged by her that the respondent no.3 is not resident of Sawargaon. In support of the claim, the applicant has placed on record some documents, such as copies of Addhar Card, Ration Card, Voters' list for Nagar Parishad of 2011 showing that the respondent no.3 is resident of Mangrulpir. However, the respondent no.2 has stated in his reply-affidavit that the respondent no.3 at the time of filing of application submitted 7/12 extract of agriculture land also the 8-A extract of her residential house property which clearly shows that she possesses landed property at village Sawargaon and is having residential house property. She has also filed the full copy of the Addhar Card and other documents to show that she is resident of Sawargaon, Tq. Mangrulpir. The respondent no.2 has placed on record the documents to this effect which are filed at P.B. page nos.49 to 55 (both inclusive). All these documents show that the respondent no.3 is the resident of Sawargaon and is also possessing landed property and residential property at Sawargaon.

9. The respondent no.3 has also filed reply-affidavit and stated that she is resident of village Sawargaon and not only that she

has also placed on record the documentary evidence in this regard along with her affidavit. Thus, prima facie the documents show that the respondent no.3 posses landed property and residential house at village Sawargaon. She is also shown to be the voter in vidhan sabha constituency at Sawargaon. Had it been a fact that the applicant wanted to take objection, the objection should have been taken within the time given under the notification. The applicant did not file any objection to respondent no.3's appointment for more than two months and therefore the respondent no.2 has rightly issued appointment order in favour of respondent no.3. Even otherwise the applicant will not be appointed in place of respondent no.3 since she could stand at sr.no.3 as against the respondent no.3 who stands at sr.no.1 in the merit list. In view of the discussions in forgoing paras, I do not find any merit in the O.A. Hence, the following order :-

ORDER

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

Dated :- 26/03/2018.

dnk.

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