

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 596 /2015

Raju S/o Gulab Gourkar,
Aged about 40 years,
Occupation – Labour,
R/o Bamni, Post Tadoji,
Tah. Chimur, District Chandrapur.

Applicant.

Versus

- 1) The State of Maharashtra through
Its Principal Secretary, Ministry of Revenue & Forest,
Mantralaya, Mumbai.
- 2) The Collector,
Office of Collector, Chandrapur.
- 3) The Sub Divisional Officer,
Office of Sub Divisional Officer,
Chandrapur.
- 4) The Tahsildar, Office of Tahsildar,
Chimur, District Chandrapur.
- 5) Shri Ganesh S/o Ramesh,
Barsagade Bamni, Post Tadoji,
Tah. Chimur, District Chandrapur.

Respondents

Shri S.D.Malke, Id. Advocate for the applicant.

Shri P.N.Warjurkar, Id. P.O. for the respondents no. 1 to 4.

None for R-5.

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

JUDGMENT

(Delivered on this 10th day of August, 2017)

Shri S.D.Malke, learned counsel for the applicant. Shri P.N.Warjurkar, learned P.O. for the respondents no. 1 to 4. None for the Respondent no. 5.

2. The applicant has claimed that the order dated 19/08/2014 issued by Respondent No. 4 be quashed and set aside. Vide impugned order dated 19/08/2014, the Respondent no. 4, Tahsildar, Chimur has been pleased to appoint Respondent no. 5, Shri Ganesh Ramesh Barsagade as Kotwal of Village:-Tadoji, Bamni.

3. It is an admitted fact from the record that the applicant's father was earlier appointed as a Kotwal and thereafter his mother was appointed on compassionate ground in place of his father, even the applicant was appointed temporarily for the post of Kotwal in the election work of 1999 and thereafter in 2002.

4. On 02/08/2013, the Respondent no. 4 has issued a Proclamation for the post of Kotwal of Village – Bramni and as per that Proclamation the post was to be filled in from the Backward Class. The applicant has raised objection for the said Proclamation, but it was not considered. The applicant's letter is entertained by the Collector, who

addressed the letter to the Tahsildar to take decision as per law on 09/09/2014, but the same was rejected on 17/11/2014 and it was informed to the applicant that the post was reserved for O.B.C. and therefore, his application cannot be considered. The applicant filed one representation thereafter to the SDO, Chandrapur on 09/06/2015, but the Tahsildar refused to entertain the applicant's grievances and therefore, this application.

5. The Respondent no. 4 & 5 filed the reply affidavit and submitted that the Assistant Commissioner (Backward Class Cell, Nagpur Division) has issued a list of vacant post of Kotwal of Taluka level and declared the reservation as per roster point on 13/08/2013. The post was reserved for Scheduled Caste. The applicant belongs to Other Backward Class and therefore, his application was rejected. The Id. counsel for the applicant submits that the reservation for the post of Kotwal of Village - Bramni for Scheduled Caste is illegal and therefore, the applicant's claim should have been entertained. It is material to note that the decision declaring the post of Kotwal at Village - Bramni reserved for Scheduled Caste, has been challenged by the applicant and that challenge cannot be within the jurisdiction of this Tribunal. If the applicant was aggrieved by the decision of reservation of the post of

Kotwal, Village - Bramni for Scheduled Caste category, it was incumbent on him to assail that decision before the Competent Court.

6. The advertisement was issued by the respondent authority on 05/09/2013 after filing due process for declaring reservation of various categories for the post of Kotwal. As per advertisement dated 05/09/2013, the post of Kotwal at Village – Bramni was to be filled in from Scheduled Caste category. The applicant admittedly belongs to Other Backward Class category and still applied for the post. The applicant was not at all eligible to apply for the post of Kotwal at Village – Bramni, since he is not from Scheduled Caste category and therefore, the application has not been entertained by the Respondents authority. I do not find any illegality in the impugned order of appointment of Respondents No. 5, since the Respondent No. 5 belongs to Scheduled Caste and his appointment is done after following due procedure of law on the merits. Hence the following orders :-

ORDER

1. O.A. stands dismissed.
2. No order as to costs.

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

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