

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO. 626/2015.

Gajanan Vishwanath Mundhe,
Aged about 30 years,
Occupation-Agriculturist,
R/o Sawargaon,
Tehsil Lonar, Distt. Buldana.
Nagpur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai-32.
2. The Sub-Divisional Magistrate,
Mehkar, Distt. Buldana.
3. Shri Sandip Namdeo Nagre,
Aged- Major, Occ-Not Known,
R/o Sawargaon, Tejan,
Tehsil Lonar, Distt. Buldana.

Respondents.

Shri N.L. Jaiswal, Adv. holding for Shri A.M. Ghare,
the learned counsel for the applicant.

Smt. S.V. Kolhe, the Ld. P.O. for the respondents 1 and 2.

Shri K.P. Sadavarte, Ld. counsel for respondent No.3.

Coram:- The Hon'ble Shri S.S. Hingne,
Vice-Chairman.

Dated: 7th January 2017.

Order

Heard Shri N.L. Jaiswal, Adv. holding for Shri A.M.

Ghare, the learned counsel for the applicant and Smt. S.V. Kolhe, the

learned P.O. for the respondents 1 and 2. Shri K.P. Sadavarte, learned counsel for respondent No.3.

2. The process of recruitment of Police Patil for different villages to Taluka Lonar, District Buldhana is under challenge.

3. The S.D.O. has issued Proclamation dated 19.8.2015 to fill the posts of Police Patil of different villages within his jurisdiction. The entire process was completed. Select list of the candidates who scored highest marks was published. Accordingly the appointment orders are also issued.

4. The applicants have challenged the process on the ground that the process was completely in violation of the rules and regulations and procedure and the appointments are made for extraneous consideration and considering other aspects. Several grounds are raised challenging the process of appointment alleging favour to some appointed candidates and interference therein by others. The same grounds are as under:-

(i) At the outset, it is alleged that the candidates who scored good marks in written examination were allotted less marks in the oral interview which shows that the favour is shown.

(ii) Secondly, It is contended that the interview committee was not properly constituted and all the members were not

present and some officers sent their representatives which was not proper

(iii) The third ground is that assessment in the personal interview was not properly done. Irrelevant questions were arbitrarily put which were not sufficient to assess the candidates.

5. So far as the averment of marks is concerned, the applicant and respondents scored the marks as under:-

Sr. No.	Name	Designation	Written marks	Oral marks	Total
1	G.V. Mundhe	(Applicant)	58	9	67
2	S.N. Nagre	(Respondent No.3)	52	16	68

6. Needless to mention that only because any candidate secured higher marks in written examination, it does not follow that his performance in the oral will be good. No doubt, if this happens in each and every case, it can raise a doubt to hold that in interview, proper assessment is not done. However, here it is not a case that several candidates got higher marks in interview.

7. It is also alleged that irrelevant questions like the name of candidates, meaning of his name or who is Bit Jamadar of the village etc. and whether the candidate has visited the police station etc. were put. There cannot be a straight jacket formula which questions

should be put in interview. Every interviewer has its own concept to assess the candidate. One can assess by putting the questions, other by reply given while some assess the manner in which reply is given etc. Therefore, by no stretch of reasoning, it can be said that the proper questions were not put forth or the allotted questions were not appropriate to assess the candidate.

8. It is also argued that the applicant over heard the interview of other candidates. However, whenever the interview is conducted, the peon is always there at the door and it is hard to hear that somebody could stand outside and overhear the question answers. When there cannot be a specific method of putting the questions, it is not open to challenge the process on vague and general averments.

9. On the contrary, it reveals from the chart that the marks were given under each head. While allotting the marks, the candidate's performance was considered covering the following aspects:-

Early experience-2 marks, general knowledge-2 marks, marks based on personlaity-3. Particular marks were allotted to 10th standard, 12th standard and higher qualification. 5 marks were allotted to have experience as a Police Patil and rest marks for the category of common sense.

Thus, marks were allotted under each head. Having regard to this, by no stretch of imagination, it can be said that marks were allotted as per the desire and whims of the committee members.

10. Second attack is that the committee was consisting of five members, but all were not present. The respondents' stand is that, the committee was duly constituted as per the provisions of the G.R. dated 23.8.2011 and all members were present. The interview chart shows that it is signed by all the members. As such, there is no substance in the submission of the applicant that one member was absent.

11. It is also contended that the District Social Welfare Officer was not present, but his representative conducted the oral interview. When the process *en massed* is undertaken and officers are limited, the work is to be distributed so that the process can be completed at an earliest and, therefore, different officers are deputed. Nothing is brought to the notice pointing out that it has affected the process adversely. On the contrary, the learned P.O. relied on a G.R. dated 7.10.2006 which stipulates that even the representative can be sent by an officer and particularly by District Social Welfare Officer. This faculty may be necessary because the office is overburdened and they have to attend such process as the representative of their department to all other departments.

12. It is also contended that on an average, interviews were taken for 3 to 4 minutes of each candidate. One cannot forget that the process was for appointment of Police Patil and not a very high ranking post. Therefore, it can be expected that the interview should be conducted for 15 minutes or half an hour. Moreover, assessment of candidate can be done within 3-4 minutes and, therefore, if few questions are put, assessment can be done within such a period. In effect, objection on this ground also does not carry conviction.

13. It is also urged that there was no transparency in the process. However, when the marks were to be allotted as per the categories mentioned, it shows that there was no scope to the interviewers and it assures transparency.

14. From the above, it is manifest that general and vague allegations are made assailing the process. Such type of averments can be made in any process. In the absence of cogent and clinching material, such averments do not carry much weight.

15. The learned counsel for the applicant vehemently urged that in **W.P. No. 6051/2014, Maya Padgham V/s State of Maharashtra decided on 25th /27th July 2015**, Their Lordships of the Bombay High Court, Bench at Nagpur has cancelled the recruitment process, as the interview committee was not properly constituted. In that case, in the interview committee for the selection of Anganwadi

Sevika and one member of Committee was illiterate. Their Lordships observed that an illiterate member of the interview committee cannot assess the performance of the Anganwadi Sevika, whose basic qualification was 10th standard.

16. Reliance is also placed by the learned counsel for the applicant in Vishnu Vishwas V/s Union of India decided on 2.4.2014. In the said case, Their Lordships of the Apex Court of the land found that marks were not allotted appropriately in a large number of cases, because more marks were given to the candidates in oral interview than they scored in written examination and that was noticed in large number of candidates. In the said case, written test was consisting of 50 marks and 50 marks for oral interview. Such are not the facts in the instant case. As against this, the learned P.O. has placed reliance on a case **K.S. Siraj V/s High Court of Kerala and others AIR 2006 SC 2339**, wherein Their Lordships observed that interview is the best mode of assessing the candidate and to consider his ability for the post to be appointed, which can be done in oral interview only.

17. The learned P.O. placed reliance on a case **Buddhi Nath Chaudhary and others V/s Abahi Kumar and others (2001) 3 SCC 328**. In the said case, the recruitment process was undertaken by the Transport Commissioner, even though the recruitment was to be done by Public Service Commission. Their Lordships observed that

since they worked for a long period, their posting was not disturbed. Reliance is also placed on a case **Ashok Laxman Nikale V/s Dr. Babasaheb Ambedkar Marathwada University, Aurangabad and others 2016 (1) Mh.L.J. 443.** In the said case, there was no provision for oral interview and it was included subsequently. But parties made aware of it well in advance and, therefore, it is held that now it is not open for the candidate to challenge it.

18. In the case in hand, the respondents' stand is that the appointment process is done as per the G.R. dated 22.8.2014 by following the provisions of Maharashtra Village Police Patil (Recruitment, Pay and Allowances and other Conditions of Services) Order, 1968. The process was undertaken for several villages. No any ulterior motive is attributed to the authority nor any vested interest is averred and established. It is also not averred that for other considerations at the influence of some politicians or third party, process is carried out. The S.D.O. is an independent authority. He cannot have any personal interest in the process. In absence of any satisfactory and sufficient material, no much significance can be attached to the assumption and presumption of the applicant which can be inventions of his imaginations. No verdict can be based on such bald and bare allegations made in the air.

19. Consequently, in absence of any concrete material, no much credence can be attached to the case propounded by the applicant. If on such allegations, interference is done. Not a single process will be carried out and every process shall have to be quashed. Thus there is no substance in the case putforth by the applicant.

20. In the result, O.A. is rejected with no order as to costs.

(S.S.Hingne)
Vice-Chairman

pdg

