

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.635/2015.

S.B.

Hemraj Rajaram Rathod,
Aged about 44 years,
Occ-Agriculture,
R/o At and Post Wadgaon, Tq. Digras,
Distt. Yavatmal.

Applicant.

-Versus-

- 1) State of Maharashtra,
through its Principal Secretary,
Department of Home,
Mantralaya, Mumbai-32.
- 2) Sub-Divisional Officer,
Pusad, Distt. Yavatmal.

Respondents.

Shri A.M. Haque, Ld. Advocate for the applicant.
Shri M.I. Khan, P.O. for the respondents.

Coram:- Shri A.D. Karanjkar,
Member (J).

Oral order

(Passed this 5th day of December 2018).

Heard Shri A.M. Haque, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

2. The respondent No.2 published advertisement dated 10.9.2015 for filling the post of Police Patil. The applicant, in pursuance of the advertisement submitted his application for being appointed as Police Patil of village Wadgaon (Dukre), Tehsil-Digras, District Yavatmal. It is grievance of the applicant that, he was belonging to Other Backward Class (OBC) and the post was reserved for the candidate of OBC, the respondent No.2 arbitrarily rejected the application observing that the applicant was not a Member of OBC. The applicant was held Member of Vimukta Jamati. It is submitted that this action of respondent No.2 is illegal.

3. Second contention of the applicant is that, 80% population of village Wadgaon (Dukre) is Banjari and, therefore, the post of Police Patil of village Wadgaon (Dukre) should have been reserved for Banjari category. It is submitted that the action of respondent No.2 reserving the post of OBC category is illegal. In this situation, the applicant is claiming that name of the applicant be included in the list of eligible candidates and he be permitted to appear in the examination and for further directions to respondent No.2 not to declare the result of the examination.

4. I have heard submissions on behalf of the applicant and the respondents. Interim relief was granted. It is submission of the learned P.O. that the selection process is completed and successful candidate is already appointed on the post of Police Patil of village Wadgaon (Dukre). It appears that the O.A. is not amended and the candidate who is appointed, joined as Police Patil of village Wadgaon (Dukre), is not joined as respondent in the proceedings. Therefore, In my opinion, now this O.A. is infructuous.

5. It appears that vide order dated 12.10.2015, direction was given by the Learned Single Bench that the appointment of the applicant will be made subject to the decision of this O.A. In the present matter, there is no prayer to appoint the applicant on the post of Police Patil. Only prayer is that his name be included in the list of eligible candidates and he be permitted to appear in the examination. In these circumstances, there appears no substance in the O.A. However, in the interest of justice, if the applicant is interested, he may file fresh O.A. after joining the candidate appointed on the post as respondent. I, therefore, proceed to pass the following order:-

ORDER

The O.A. stands disposed of as infructuous with
no order as to costs.

(A.D.Karanjkar)
(Member(J))

Dt. 5.12.2018.

pdg