

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 654 of 2016 (SB)**

Sau. Kanchan w/o Satish Dhamde,  
Aged about 28 years, Occ. Agriculturist,  
R/o Parsodi, Tq. Saoner, District Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra through its  
Secretary, Home Department,  
Mantralaya, Mumbai-32.
- 2) Sub Divisional Officer,  
Saoner, Tq. Saoner, District Nagpur.
- 3) Ku. Savita Jeevan Malapure,  
(Savita w/o Sunil Mahant),  
Aged about 32 years, Occ. Police Patil  
R/o Parsodi, Tq. Saoner, District Nagpur.

**Respondents**

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**Shri P.V. Thakre, Advocate for the applicant.**

**Shri V.A. Kulkarni, learned P.O. for respondent nos. 1 and 2.**

**S/Shri P.S. & A.S. Tiwari, Advocates for Respondent no.3**

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

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**JUDGMENT**

**(Delivered on this 16<sup>th</sup> day of July,2018)**

Heard Shri P.V. Thakre, learned counsel for the applicant, Shri V.A. Kulkarni, learned P.O. for respondent nos.1 and 2 and Shri P.S. Tiwari, learned counsel for respondent no.3.

2. The applicant and respondent no.3 along with some other candidates have participated in the process of selection for the post of Police Patil for village Parsodi, Tq. Saoner, District Nagpur in response to the proclamation dated 07/08/2015. According to the applicant, the person to be eligible for the post should have been resident of village Parsodi and must have immovable property at that village. The respondent no.3 is married to one Shri Sunil Mahant of village Khurajgaon and she is residing at Khurajgaon at her matrimonial house and as such she is not qualified to be appointed to the post. The number of villagers made representation to the respondent no.2 not to appoint the respondent no.3 on the post. But under political pressure the respondent no.3 has been appointed. The applicant has therefore challenged the order of appointment of respondent no.3 to the post of Police Patil and requested that the selection and appointment order dated 20/02/2016 of the respondent no.3 be quashed and set aside and to direct the respondent no.2 to hold fresh selection process.

3. The respondent no.2 denied the applicant's claim and submitted that the applicant has obtained only 33 marks in the written examination out of 80 marks. Whereas, the respondent no.3 has obtained 50 marks out of 80. One Sau. Seema Mahant was another candidate who obtained 47 marks out of 80 in the written examination. Since the applicant failed to obtain more than 45% marks out of 80 in the written examination, she was not called for interview and the respondent no.3 and one Sau. Seema Mahant were interviewed. The respondent no.3 obtained 12 marks out of 20 in the oral interview, whereas, Sau. Seema Mahant obtained 13 marks out of 20. Thus the respondent no.3 obtained total 62 marks as against 60 marks obtained by Sau. Seema Mahant and therefore the respondent no.3 was selected. It is stated that the documents as regards residential proof and agriculture property were examined by the respondent no.2 and it was found that the respondent no.3 was resident of village Parsodi and therefore she was selected and appointed.

4. The respondent no.2 also placed on record the copies of documents as regards residential proof of respondent no.3 along with the reply-affidavit. The respondent no.3 also filed reply-

affidavit and number of documents showing that she is resident of village Parsodi.

5. It is material to note that the applicant never objected about the candidature of respondent no.3. Even after selection of respondent no.3 as Police Patil, the applicant did not file any objection. It is stated that some villagers have filed complaint against respondent no.3. A copy of one complaint has been placed on record at Annex-A-4, but admittedly that does not bear the signature of applicant. It seems that the said complaint might be at the instance of one Mrs. Seema Mahant who was not selected for the post. Copy of one complaint in the name of villagers has been placed on record at P.B. page no.39, but it is vague complaint and seems to be anonymous. Even in the said complaint it has been stated that respondent no.3 was residing at her parent's house at Parsodi, though temporarily.

6. As against the contention of the applicant, the respondents have placed on record the documents along with the list of annexure at P.B. page no.57. The documents are at P.B. page nos. 58 to 60 (Annex-R-1) which proves that the respondent no.3 is resident of village Parsodi.

7. The respondent no.3 has also justified her claim by filing affidavit along with the documents. The list of such documents is at P.B. page no.67 and the documents produced on record are at P.B. page nos. 56 to 62 (both inclusive). These documents (respondent nos. 1 to 5 (both inclusive) also proves that the respondent no.3 is resident of village Parsodi. I, therefore, do not find any merits in the O.A. Even for argument sake, it is accepted that the applicant's claim may be true, still the applicant will have no locus standi to challenge the same since she was not in competition at all as only two candidates were called for interview, i.e., respondent no.3 and one Sau. Seema Mahant. At the most, it can be said that Sau. Seema Mahant could have locus standi to raise objections as regards selection of respondent no.3, but she has not challenged the selection and appointment of respondent no.3. I, therefore, do not find any merits in the O.A. Hence, the following order :-

**ORDER**

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

**Dated :- 16/07/2018.**

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