MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.680/2015. ***(S.B.)***

Sangita Vilasrao Thakare,
Aged about 41 years,
Occ-Household,
R/o Nashitpur, Tq. Morshi,
District Amravati. **Applicant.**

-**Versus-**

1) The State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai-400 032.

2) The Sub-Divisional Officer,
Morshi, Distt. Amravati.

3) Police Patil Selection Committee,
Morshi, Distt. Amravati.
Through its President.

4) Dipali Naresh Gudhade,
Aged about 29 years,
Occ-Household,
R/o Ward No.16, Gedam Layout,
Simbora Road, Morshi,
Distt. Amravati. **Respondents**

Shri A.V. Gawande, the learned Advocate for the applicant.
Shri M.I. Khan, the learned P.O. for the respondents 1 to 3.
None appeared for respondent No.4.

Coram:-The Hon'ble Shri Justice A.H. Joshi,
Chairman

JUDGMENT

(Reserved on 29th January 2019)

(Pronounced on this 30th day of January 2019.)

Heard Shri A.V. Gawande, learned Advocate for the applicant and Shri M.I. Khan, learned P.O. for the respondent Nos. 1 to 3. None appeared for respondent No.4. Perused the record.

2. Respondent No.4's selection as Police Patil is challenged by applicant with following averments:-

(a) In the process of viva, Respondent No.4 is given '4' marks since she had passed 12th standard and due to said excessive marks, Respondent No.4 got 12 marks in viva, and has grand total of written and viva equal to applicant.

(b) Respondent No.4 is not resident of village Nashitpur.

3. Respondent No.4 has denied allegations averring and arguing that:-

(i) Viva too was objective. Viva is for 20 marks and subjectivity is eliminated by defining head for allotment of marks.

(ii) Respondent No.4 is having property house at Nashitpur and she possesses a certificate of residence dated 31.8.2015 and certificate of ownership of a 'Kotha' made of "Kud" and Kawelu Raging.

4. State too has justified the selection by urging that there is no illegality.

5. After scrutiny of rival submissions, it transpires that :-

(a) Oral interview comprised of guided process of awarding marks. The interview assessment form copies of which are on record at Annexure A-4 and A-5 reveal following columns :-

उमेदवाराचे नावः- सौ. संगीता विलास ठाकरे,
लेखी परीक्षा आसन क्र.१०४,
गावाचे नावः- नशीरपूर
मुलाखतीचा दिनांकः- ८.१०.२०१५.
मुलाखतीचे स्थळः- उपविभागीय दंडाधिकारी कार्यालय, मोर्शी.
संवर्गः- खुला (महिला).

अ. क्र.	गुणासाठीचे निकष (प्रश्न विचारून व कागदपत्रे पडताळणी करून)	देय असलेले गुण	उमेद्वारास प्राप्त गुण.
A	१) १० वा वर्ग उत्तीर्ण / समकक्ष परीक्षा उत्तीर्ण	५ गुण	---
	२) ४०% चे वर ५०% पर्यंत गुण	६ गुण	---
	३) ५०% चे वर ६०% पर्यंत गुण	७ गुण.	०७
	४) ६०% चे वर ७०% पर्यंत गुण	८ गुण	---
	५) ७०% चे वर ८०% पर्यंत गुण	९ गुण	---
	६) ८०% पेक्षा जास्त गुण	१० गुण	---
B	इयत्ता १२ वी उत्तीर्ण व शासकीय पदविका उत्तीर्ण (कोणत्याही एकाच बाबींचे गुण मिळतील).	४ गुण	००
C	पदवि परीक्षा उत्तीर्ण	२ गुण	००
D	MS-CIT/CCC इतर संगणक परीक्षा उत्तीर्ण.	१ गुण	००
E	टंकलेखन परीक्षा उत्तीर्ण	१ गुण	००
F	NCC/MCC/NSS प्रमाणपत्र	१ गुण	००
G	परिचय, स्थानिक माहिती व सर्वसाधारण माहितीचे उत्तरे	१ गुण	०१
	एकून गुणांकन (A+B+C+D+E+F+G)	२० गुण	०८ गुण.

(Text is copied from page 22 of O.A.)

उमेदवाराचे नावः- सौ. दिपाली निलेश गुडधे.,
लेखी परीक्षा आसन क्र.१०३,
गावाचे नावः- नशीरपूर
मुलाखतीचा दिनांकः- ८.१०.२०१५.
मुलाखतीचे स्थळः- उपविभागीय दंडाधिकारी कार्यालय, मोर्शी.
संवर्गः- खुला (महिला).

अ.क्र.	गुणासाठीचे निकष (प्रश्न विचारून व कागदपत्रे पडताळणी करून)	देय असलेले गुण	उमेद्वारास प्राप्त गुण.
A	१) १० वा वर्ग उत्तीर्ण / समकक्ष परीक्षा उत्तीर्ण	५ गुण	---
	२) ४०% चे वर ५०% पर्यंत गुण	६ गुण	०६
	३) ५०% चे वर ६०% पर्यंत गुण	७ गुण.	--
	४) ६०% चे वर ७०% पर्यंत गुण	८ गुण	---
	५) ७०% चे वर ८०% पर्यंत गुण	९ गुण	---
	६) ८०% पेक्षा जास्त गुण	१० गुण	---
B	इयत्ता १२ वी उत्तीर्ण व शासकीय पदविका उत्तीर्ण (कोणत्याही एकाच बाबींचे गुण मिळतील).	४ गुण	०४
C	पदवि परीक्षा उत्तीर्ण	२ गुण	००
D	MS-CIT/CCC इतर संगणक परीक्षा उत्तीर्ण.	१ गुण	००
E	टंकलेखन परीक्षा उत्तीर्ण	१ गुण	००
F	NCC/MCC/NSS प्रमाणपत्र	१ गुण	०१
G	परिचय, स्थानिक माहिती व सर्वसाधारण माहितीचे उत्तरे	१ गुण	०१
	एकून गुणांकन (A+B+C+D+E+F+G)	२० गुण	१२ गुण.

(Text is copied from page 22 of O.A.)

(b) It is thus conclusive that award of 4 marks as shown in Sr. 'B' cannot be faulted on grounds whatsoever.

(c) Admittedly applicant and Respondent No.4 have secured equal marks upon totalling of the score in written test and viva.

(d) The authority has chosen Respondent No.4 due to her higher qualification. This too is based on norm which is already declared which reads as follows:-

"गुणवत्तेनुसार अंतिमतः उच्चतम गुण धारण करणाऱ्या उमेदवारांची तात्पुरत्या स्वरुपात नेमणूक करण्यात येईल. समान गुण मिळालेल्या उमेदवारांपैकी मय्यत / सेवानिवृत्त पोलीस पाटीलांचे वारस असलेल्या उमेदवारास प्राधान्य देण्यात येईल."

(e) As regards question of residence of Respondent No.4 is concerned, certificates furnished by Respondent No.4 that her husband owns house property at Nashitpur in Ward No. 1 and has house No. 02.

(f) Learned Advocate for pplicant argues that "Kotha" is not a house. He does not argue as to what "Kotha" is meant.

(g) It is thus proved from record that Respondent No.4 owns a house at Nashitpur and is resident of said village.

6. In the result, this Tribunal concludes that the applicant's plea that selection / appointment of Respondent No.4 is contrary to law, fails. It is duly proved that selection of Respondent No.4 is made in due conformity of rules.

7. O.A. has no merit and is dismissed.

8. Parties are directed to bear their own costs.

(Justice A.H.Joshi)
Chairman

Dated: 30.1.2019
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