

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 685/2015

Prakash S/o Sakharam Kamble,
Aged 35 years, Occ. Agriculturist,
R/o at Devthana, Tq. Pusad, Dist. Yavatmal-445 209.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32.
- 2) Sub Divisional Officer,
Pusad near yashwant Rang Mandit,
Pusad, Dist. Yavatmal.
- 3) District Collector, Yavatmal,
Collector Office, near S.P. Office,
Yavatmal.
- 4) Sushil Ganpat Padghane,
Aged about 32 years, Occ. Agriculturist,
R/o at Devthana, Tq. Pusad,
District Yavatmal.

Respondents

Shri P.S. Wathore, Mrs. K.P. Wathore, Advocates for the applicant.

Shri V.A. Kulkarni, Id. P.O. for the respondent nos. 1 to 3.

Shri A.M. Kukday, Id. Counsel for R-4.

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

JUDGEMENT

(Delivered on this 11th day of July,2017)

Heard Shri P.S. Wathore, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for respondent nos. 1 to 3 and Shri A.M. Kukday, Id. Counsel for respondent no.4.

2. The applicant has challenged the selection of respondent no.4 for the post of Police Patil of village Mouza Devthana, Tq. Pusad, Dist. Yavatmal by respondent no.2 in this O.A. He claims that the said order of appointment of respondent no.4 be quashed and set aside and instead the applicant be posted as Police Patil.

3. From the admitted facts on record it seems that the notification for calling applications for the post of Police Patil was issued by respondent no.2 on 10/9/2015. Admittedly, the applicant and respondent no.4 both participated in the process of recruitment. The applicant secured 47 marks out of 80 in the written test and 6 marks out of 20 in the oral test, whereas respondent no.4 secured 45 marks out of 80 in written test and 11 out of 20 in the oral test. It is alleged that the respondent no.2 has favoured respondent no.4.

4. It is also the case of the applicant that respondent no.4 was serving at the time of selection and the respondent no.2

committed breach of condition no.10 of the advertisement which clearly states as under :-

^10- vtñkj gk LFkkfud Lojkt; I LFkp I nL; ul kok rI p I jdkjh
fdok fuel jdkjh I LFkr dk; jr ul kok.**

5. The respondent no.2 justified the order and submitted that the applicant secured 53 marks, whereas respondent no.4 secured 56 marks and one Sanghpal Manohar Kamble secured 50 marks. Since respondent no.4 stood first in merit he was selected. It is stated that the applicant has only made allegations that respondent no.4 is serving in Panchayat Samiti but there is no documentary evidence in this regard. The respondent no.2 also denied allegations of favouritism.

6. I have perused the documents placed on record filed by the applicant so also respondent no.2. It is merely stated that respondent no.2 favoured the respondent no.4 in the oral examination. However, there is absolutely no evidence in this regard. Merely because the applicant got 2 marks more than the respondent no.4 in written examination, it cannot be said that respondent no.2 granted more marks to respondent no.4 in oral test just to favour the respondent no.4. These allegations are without any substance and there is no corroboration to such allegations. It is the Competent

Committee's discretion as to how much mark be granted in the oral test to various candidates. It seems that the applicant was granted 6 marks out of 20, whereas the respondent no.4 was granted 11 marks out of 20 in the oral test and allotment of such marks cannot be questioned only on the basis of vague allegations of favouritism and therefore there is absolutely no need to interfere in the decision taken by the Competent Committee formed for selection of Police Patil.

7. So far as the allegations that there is a breach of condition no.10 of the advertisement, the applicant has stated in the affidavit that respondent no.4 is employee in Panchayat Samiti, Pusad and that he was drawing salary from Panchayat Samiti, Pusad. The respondent no.4 has filed affidavit and denied this fact. According to respondent no.4 he was engaged by one Private Company who used to pay honorarium to him for the data entries. The respondent no.4 denied that he was ever appointed in the Govt. or Semi Govt. Organization. No convincing document has been placed on record to prove that respondent no.4 is working in any Govt. or Semi Govt. Company.

8. The Id. Counsel for the applicant also placed reliance of some Computer Broacher which he seems to have collected from Facebook Account. The said broacher is regarding policy decision

taken by Central Government not to hold interview for the post of Class-III & Class-IV Government jobs. This decision seems to be applicable from January,2016. However, the applicant has already participated in the process of written test as well as oral interview and now he cannot claim that interview should not have been taken. He is saying so merely because he got 2 marks more than respondent no.4 in the written test.

9. On a conspectus of discussion, it will be thus crystal clear that there is absolutely no merit in this O.A. Hence, the following order :-

ORDER

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

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

dnk.