

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR**

**ORIGINAL APPLICATION NO.694/2015. (S.B.)**

Sou. Ashwini w/o Nirvrutti Kate,  
(formerly known as Ashwini d/o Ramesh Bhusari),  
Aged about    years,  
Occ-Nil,  
R/o Adula Bazar, Tq.Daryapur,  
Distt.Amravati.

**Applicant.**

**-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Home Affairs,  
Mantralaya, Mumbai-32.
2. The Sub-Divisional Officer,  
Daryapur, Distt.Amravati.
3. Sou. Sonal Vinod Bhuyarkar,  
(alias Ku. Leena d/o Gangadhar Guhe),  
Aged about 27 years,  
Occ-Household,  
R/o Adula Bazar, Tq.Daryapur,  
Distt.Amravati.
4. Sou. Surekha w/o Rajesh Kale,  
Aged about    years,  
Occ-Household,  
R/o Adula Bazar, Tq.Daryapur,  
Distt.Amravati.

**Respondents**

---

Shri A.R. Kaplay, the Ld. Advocate for the applicant.

Shri P.N. Warjekar, the Ld. P.O. for the respondents 1 and 2.

Shri H.D. Futane, the learned counsel for respondent Nos. 3 and 4.

---

---

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

---

**JUDGMENT**

(Delivered on this 28<sup>th</sup> day of August 2018.)

Heard Shri A.R. Kaplay, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 and 2. Shri H.D. Futane, the learned counsel for respondent Nos. 3 and 4.

2. In this O.A, the applicant has claimed declaration that action on the part of respondent No.2 in incorporating the name of respondent No.3 in the final select list for the post of Police Patil of village Adula Bazar, Tehsil Daryapur, District Amravati is illegal, arbitrary and in violation of prescribed conditions, Rules as well as principles of natural justice and that the respondent No.2 be directed to consider the applicant's candidature for the post. During the pendency of the O.A., the respondent No.2 appointed the respondent No.3 on the post of Police Patil and, therefore, the O.A. was amended and now the applicant is claiming that the appointment order of respondent No.3 dated 3.11.2015 issued by respondent No.2

for the post of Police Patil of village Adula Bazar, be quashed and set aside.

3. From the admitted facts on record, it seems that the applicant and the respondent No.3 participated in the process of recruitment for the post of Police Patil of village Adula Bazar and the select list was published on 20.6.2015, wherein name of the respondent No.3 was incorporated. According to the applicant, the respondent No.3 made a deliberate and false averments in her application that she was unmarried and she had also wrongly shown her permanent residence alongwith her father. In fact, she was not residing at village Adula Bazar. The applicant was already married on 24.6.2012 with one Vinod Narayan Bhuyarkar and her marriage is still subsisting. Objection was taken to the select list as per Annexure A-iv. Though, the respondent No.3 is not a resident of village Adula Bazar, she has been selected and appointed.

4. The learned counsel for the applicant had placed reliance on the advertisement / notification for the post of Police Patil at Annexure A-1, page Nos. 11 to 14 (both inclusive). Condition No.3 of the notification clearly shows that a candidate applying for the post of Police Patil, must be a permanent resident of that village and for that purpose, certificate of Tehsildar was required to be

annexed. Application form of the applicant is at page Nos. 15 and 16. It is alongwith an affidavit of the respondents. The applicant has shown herself as unmarried in the said application. In fact, she was residing at the house of her husband and was married.

5. The respondent No.2 filed affidavit in reply and stated that the Secretary, Gram panchayat, Adula Bazar submitted his report on 13.10.2015 and it was clearly mentioned in the said report that the respondent No.3 is resident of village Adula Bazar and her name is also mentioned in the Ration card, Aadhar card and the Voters Identity card. The respondents have placed on record the documents to that effect which are annexed at Annexure R.2, R.2 (i), R.2 (ii) and R.2 (iii) respectively. It is stated that the proper procedure has been followed. From these documents placed on record, it seems that the applicant's name is shown as Leena Ganghadhar Guhe. She was holding Voters Identity card from the Election Commission of India as well as her name is included in the ration card of her father. The report of Talathi, Adula Bazar has been placed on record at page No.93 Annexure-X, from which it seems that the applicant got married in 2012. But due to some dispute with her husband, she was residing with her father form 2013 at Adula Bazar and the matter was subjudiced before the Court. It is

an admitted fact that, the applicant now got divorce from her husband. The judgment delivered by the Civil Judge, Senior Division, Daryapur in divorce case of the applicant is placed on record at page No. 84 (J) to 84 (N). The operative part of the order for the said judgment shows that the marriage dated 24.6.2012 between the respondent no.3 and her husband has come to an end. Thus admittedly, now the respondent No.3 is a divorcee. It is immaterial as to whether she has filed an application in her earlier name prior to marriage or after marriage. Fact remains that, prior to the date of application, the applicant was residing at Adula Bazar with her father. Possibility that she might have gone to cohabit with her husband for some period, cannot be ruled out. From the judgment itself, it is clear that she is not residing with her husband from August 2014. Notification for the post of Police Patil has been published on 24.8.2015 and, therefore, admittedly on that date, the respondent No.3 was residing at Adula Bazar. In my opinion, the respondent No.2 has considered all documentary evidence on record, report of the Talathi as well as various documents placed on record, such as certificate of age and domicile, ration card, landed property of applicant's father etc. and has rightly believed the reports submitted by the Talathi, Adula Bazar. There is no dispute that on merits the

respondent No.3 stands above the applicant and, therefore, I do not find any legal force in the O.A. Hence, I proceed to pass the following order:-

**ORDER**

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

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

**Dated:-** 28.8.2018.