

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI, BENCH NAGPUR**

ORIGINAL APPLICATION NO 823 OF 2015

DISTRICT : BULDHANA

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
Sau Rama Ravi Punde,)
Occ : Labour, R/o Sawangimali)
Post-Wadgaon Mali, Tal-Mehkar,)
Dist-Buldhana.)
...**Applicant**

Versus

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
Sau Rama Ravi Punde,)
1. The State of Maharashtra)
Through its Secretary,)
Department of Home,)
Mantralaya,)
Mumbai 400032)
2. The Sub Divisional Officer,)
Mehkar, Tal-Mehkar,)
Dist-Buldhana.)
...**Respondents**

Shri R.S Nagpure, learned advocate for the Applicant.

Smt M.A Barabde, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)


DATE : 10.03.2017

ORDER

1. Heard Shri R.S Nagpure, learned advocate for the Applicant and Smt M.A Barabde, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant who had applied and was called for written test by the Respondents for selection to the post of Police Patil of Sawangimali, Tal-Mehkar, Dist-Buldhana in response to the advertisement issued by Respondent no. 2 on 19.8.2015.

3. Learned Counsel for the Applicant stated that the Applicant was the only candidate who was found eligible to participate in the selection process. The post of Police Patil in Sawangimali was reserved for S.C female candidate. As the Applicant was the only candidate, the Respondents should not have held any selection process like written test and she should have been selected without undergoing any examination, as she fulfilled all qualifications for being selected as a Police Patil.



4. Learned Presenting Officer stated that the process for selection of the post of Police Patil is covered by G.R dated 22.8.2014, issued by the Home Department, i.e. Respondent no. 1. This G.R provides the process of selection to the post of Police Patil, which includes a written test of 80 marks and interview of 20 marks. A candidate to become eligible for appointment as Police Patil is required to obtain at least 45% marks in the written test. Admittedly, the Applicant obtained 12 out of 80 marks and could not meet the minimum requirement for the post in the written examination. Learned Presenting Officer further stated that the Applicant knew that she was the only candidate in the fray and never objected to participate in the written test. After she was found ineligible, she cannot now turn around to take objection regarding holding of the written examination. In any case, there is no provision in the relevant G.R to the effect that if only one candidate is there, the selection process should be dispensed with.

5. I have carefully gone through the G.R dated 22.8.2014 issued by the Home Department. A candidate is required to appear for the written examination as well as interview. As per this G.R unless a candidate obtains 45% marks in the written examination, he is not eligible for selection. The Applicant admittedly obtained less than 45% marks in the selection process, and therefore, was rightly held ineligible for selection to the post of

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Police Patil. The G.R dated 22.8.2014 has no provision lowering the qualifying marks for any backward class category candidate, if no suitable candidate is found. As such, I do not find that there is any merit in the present Original Application.

6. The Original Application is accordingly dismissed with no order as to costs.

sd/-

**(Rajiv Agarwal)
Vice-Chairman**

Place : Nagpur

Date : 10.03.2017

Dictation taken by : A.K. Nair.