

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 305 OF 2016**

DIST. : AURANGABAD

Sandip s/o Ashok Ban,  
Age. 34 years, Occ. : Agril.,  
R/o Kasari, Tq. Ashti, Dist. Beed.

-- APPLICANT

**V E R S U S**

1. The State of Maharashtra,  
Through Secretary,  
Department of Home Affairs,  
Mantralaya, Mumbai.
2. The Collector, Beed at Beed.
3. The Sub Divisional Officer,  
Ashti, Tq. Ashti, Dist. Beed.  
(Copy to be served on  
Presenting Officer, M.A.T.,  
Bench at Aurangabad)

-- RESPONDENTS

APPEARANCE :- Shri N.P. Bangar, learned Advocate for the  
applicant.

: Shri N.U. Yadav, learned Presenting Officer  
for the respondents.

-----  
**CORAM** : **Hon'ble Shri B.P. Patil, Member (J)**

**DATE** : **6<sup>TH</sup> JUNE, 2017**  
-----

**O R D E R**

1. The applicant has prayed to issue direction to the  
res. no. 3 to reconsider the reservation made for the post of Police  
Patil of village Kasari, Tq. Ashti, Dist. Beed.

2. The applicant is resident of village Kasari, Tq. Ashti, Dist. Beed. He is belonging to N.T.-1 category. The father of the applicant viz. Ashok Ban was working in the army from 1.1.1972 to 23.2.1986. Thereafter he was appointed as a Police Patil of village Kasari, Tq. Ashti, Dist. Beed by the competent authority. The said appointment was continued from time to time and lastly it was continued on 21.6.2011 up to 3.9.2014. The father of the applicant died on 25.7.2012. The applicant is a legal heir of deceased Ashok Ban and after his death there is no other fit person to take care of his family except him. Therefore, the applicant made applications on 1.8.2012 and 19.10.2012 to the respondents with a request to appoint him as a Police Patil on compassionate ground. The said applications of the applicant were not considered by the respondents. Thereafter, the res. no. 3 declared the reservations for the posts of Police Patil in Ashti Tahsil. The post of Police Patil of village Kasari, Tq. Ashti, Dist. Beed is reserved for V.J. – A category. It is the contention of the applicant that there is no single person in the village Kasari, Tq. Ashti, Dist. Beed, who belongs to V.J. – A category. Most of the population of village Kasari is of N.T-1 category and, therefore, the res. no. 3 ought to have reserved the post of Police Patil of village Kasari, Tq. Ashti, Dist. Beed for the persons belonging to N.T. – 1 category. The res. no. 3 has not considered the said fact and has

wrongly declared the reservation of the post of Police Patil of village Kasari, Tq. Ashti, Dist. Beed for the person belonging to V.J. – A category and, therefore, the applicant has filed the present O.A. and sought direction to the res. no. 3 to reconsider the reservation for the post of Police Patil of village Kasari, Tq. Ashti, Dist. Beed in view of the provisions of G.R. dated 16.10.2008.

3. The res. nos. 2 & 3 have filed affidavit in reply and contended that there is no provision for direct appointment of legal heir of the deceased Police Patil on the said post. The G.R. dated 28.5.2009 provides that preference should be given to the legal heirs of the deceased Police Patil at the time of filling the post and for that purpose the concerned person should apply for the said post and he must be eligible for appointment. It is their contention that the applicant has misread the G.R. dated 28.5.2009. It is contended by them that the res. no. 3 has followed the due procedure laid down in G.R. dated 16.10.2008 while declaring the reservation for Ashti Tahsil and there is no illegality in the procedure adopted by him and, therefore, they prayed to dismiss the original application.

4. Heard Shri N.P. Bangar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

5. The learned Advocate for the applicant submits that father of the applicant viz. Ashok Ban was appointed as a Police Patil of village Kasari, Tq. Ashti, Dist. Beed on his retirement from Army service. He died on 25.7.2012 when he was serving on the post of Police Patil. He has submitted that in view of G.R. dated 28.5.2009 the applicant is entitled to get appointment as a Police Patil of village Kasari, Tq. Ashti, Dist. Beed after death of his father and, therefore, he made applications on 1.8.2012 and 19.10.2012 to the res. no. 3, but the same were not considered. The learned Advocate has argued that most of the persons residing in the village Kasari, Tq. Ashti, Dist. Beed are belonging to N.T.-1 category and no single person belonging to VJ-A category is residing in the said village. He has submitted that the res. no. 3 has declared the reservation for the post of Police Patil of village Kasari, Tq. Ashti, Dist. Beed, for the persons, belonging to VJ-A category but he had not followed the directions given in the G.R. dated 16.10.2008 and thereby wrongly reserved the post of Police Patil of village Kasari, Tq. Ashti, Dist. Beed for the persons belonging to V.J- A category and, therefore, he prayed to set aside the proposal of res. no. 3 and to direct the res. no. 3 to

reconsider the said issue and make the reservation of the post of Police Patil of village Kasari, Tq. Ashti, Dist. Beed for the persons belonging to N.T.-1 category in view of G.R. dated 16.10.2008.

6. The learned P.O. submitted that the res. no. 3 has followed the G.R. dated 16.10.2008 while making the reservation for the post of Police Patil in Ashti Tahsil. He had submitted that meeting under the Chairmanship of res. no. 3 has been conducted for making reservation for the post of Police Patil in Ashti Tahsil on 27.11.2015. The provisions of the G.R. dated 16.10.2008 and guidelines given in the letter bearing no. बीडीपी ११०७/प्र.क.५१५/पोल-८, dated 4.3.2009 were followed. Accordingly the respondents collected the information regarding the population of persons belonging to several categories from the Talathi and Gramsevak of the concerned villages and on the basis of the information, they calculated the percentage of castes and community and accordingly they reserved the post of Police Patil for the different categories. The learned P.O. has submitted that total population of village Kasari, Tq. Ashti, Dist. Beed is 825, out of them 499 persons are belonging to V.J. – A category. The population of V.J.-A is 68.40 %. He has submitted that a draw has been drawn in the presence of the Members of the Committee and accordingly the post of Police Patil of village Kasari, Tq. Ashti,

Dist. Beed has been reserved for the persons belonging to V.J. – A category. He has further submitted that there is no illegality in the procedure adopted by the Committee headed by the res. no. 3 while drawing the reservation for the posts of Police Patil of villages in Ashti Tahsil and, therefore, he prayed to reject the original application on that ground.

7. The learned P.O. has further submitted that the applicant is a son of deceased Ashok Ban, who died on 25.7.2012 while serving as a Police Patil. He has submitted that, in view of the G.R. dated 28.5.2009, the preference should be given to the legal heirs of the deceased Police Patil, if he complies other conditions as mentioned in the G.R. dated 16.10.2008 and applies for the post of Police Patil whenever the advertisement is issued. He has submitted that the said G.R. does not provide for appointment of legal heirs of the deceased Police Patil directly and therefore the applicant is not entitled for appointment directly. He has submitted that, if the applicant satisfies the conditions contained in the G.R. dated 16.10.2008, his application shall be considered and he will be appointed as a Police Patil.

8. On going through the G.R. dated 16.10.2008 and the guidelines issued by the Home Department on 4.3.2009 it seems that the reservation for the posts of Police Patil of villages in

Tahsil Ashti has been made by the Committee headed by the res. no. 3. The minutes of the meeting dated 27.11.2015 (paper book page 32 of the O.A.) shows that the Committee has considered the guidelines given in the said G.R.s. Accordingly the Committee members collected the information regarding the population of persons belonging to several categories from the Talathi and Gramsevak of the concerned villages and on the basis of the said information, they calculated the percentage of castes and community and accordingly they reserved the posts of Police Patil for the different categories in Ashti Tahsil. The procedure laid down in the G.R. dated 16.10.2008 has been followed while reserving the post of Police Patil of village Kasari, Tq. Ashti, Dist. Beed for the person belonging to V.J. – A category and there is no illegality in the procedure adopted by the res. no. 3. The res. no. 3 was the Chairman of the Committee while the Tahsildar of Ashti, Patoda and Shirur (Ka) were the Members of the said Committee. In view of the decision taken by the said Committee, the res. no. 3 sent the proposal regarding reservation of the post of Police Patil in Ashti Taluka and other Talukas to the Collector, Beed by letter dated 29.11.2015 (paper book page 16). On going through the record it reveals that the said proposal is pending with the Collector, Beed for approval. Neither the applicant nor the respondents have made a statement that the said proposal of res.

no. 3 has been approved by the Collector, Beed and it seems that it is still pending with the Collector, Beed for approval. Without approval of the Collector, Beed, the said proposal submitted by the res. no. 3 cannot be finalized. The applicant has not raised any objection before the Collector, Beed in that regard and without raising any objection he has directly approached the Tribunal. The decision taken by the Committee constituted under the Chairmanship of the res. no. 3 is proper and legal and as per the guidelines in the G.R. dated 16.10.2008. Therefore the same cannot be said to be illegal. There is no substance in the contentions raised by the applicant as the res. no. 3 has followed the proper procedure while reserving the posts of Police Patil in the Ashti taluka. Therefore, no question of making interference in the decision taken by the res. no. 3 arises. There is no merit in the O.A. and therefore it deserves to be dismissed. Consequently the original application is dismissed with no order as to costs.

**MEMBER (J)**

ARJ-O.A. NO. 305-2016 BPP (POLICE PATIL)