

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 672/2015

Preeti Narendra Shelke,
aged about 25 years,
Occ. Agriculturist, R/o at post Sategaon,
Tah. Anjangaon, Dist. Amravati.

Applicant.

Versus

- 1) State of Maharashtra
through its Secretary,
Ministry of Home Department,
Mantralaya, Mumbai-32.
- 2) The Sub-Divisional Magistrate,
Daryapur, Tq. Daryapur,
Dist. Amravati.
- 3) Sau. Vaishali Amol Shelke,
aged about 29 years, Occ. Agriculturist,
R/o at post Sategaon, Tah. Anjangaon,
Dist. Amravati.

Respondents

Shri S.N. Gaikwad, H.D. Futane, Advocates for the applicant.

Smt. M.A. Barabde, P.O. for the respondent nos. 1 and 2.

None for R-3.

Coram :- Hon'ble Shri J.D. Kulkarni, Member (J).

Dated :- 28/02/2017.

ORAL ORDER -

Heard Shri H.D. Futane, Id. counsel for the applicant and
Smt. M.A. Barabde, Id. P.O. for R-1 and 3. None for R-3.

2. In response to the proclamation dated 24-08-2015 the
applicant as well as respondent no.3 participated in the selection

process for the post of Police Patil of village Sategaon, Tq. Anjangaon, Dist. Amravati. The written test was held on 04-10-2015. Whereas, the oral test was taken on 19-01-2015 and the selection list was published on the same day and respondent no.3 has been selected for the post. Admittedly, the post was reserved for Open (Female) category.

3. According to the applicant, though she and respondent no.3 had secured equal marks, i.e., 81 out of 100, she is more qualified and as per the guidelines issued by the Government, she should have been selected. The respondent no.2 however wrongly selected respondent no.3. The applicant has prayed that the selection of respondent no.3 be quashed and set aside and she be appointed in her place.

4. The respondent no.3 did not contest. The respondent no. 2 has filed affidavit-in-reply. The respondent no.2 denied that the applicant is more qualified than the respondent no.3. It is stated that both, i.e., the applicant and respondent no.3 are B.A./ B.Ed. The applicant had taken admission for M.Ed. course has not yet cleared it. It is stated that as per G.R. dated 22-08-2014 and the guidelines therein, the respondent no.3 has been selected as she is senior in age than the applicant.

5. The only material is to be considered in the case is whether the applicant is more qualified than respondent no.3 and if so whether the selection of respondent no.3 for the post of Police Patil is legal and proper.

6. Though it is stated that the applicant is more qualified than the respondent no.3, the applicant could not place on record any documentary evidence in this regard. From the admitted documents on record it seems that the applicant as well as respondent no.3 have passed B.A./B.Ed. and they are equally qualified. Though the applicant had taken admission for M.Ed. course, she has not passed M.Ed. and therefore merely because she has taken admission for the M.Ed. course, it cannot be said that she is more qualified than the respondent no.3.

7. The learned P.O. has invited my attention to the G.R. dated 22-08-2014 at Page-69 of P.B. The said G.R. gives guidelines as regard selection of the candidates obtaining equal marks. The guideline line no.5 of the said G.R. reads as under :-

मनोकमल एक खगतेगम; क &

खगोरक ; कने/कथ नकु फदक R; किक वर/कद मनोक एक खग /कज .क दजर वर रथ] रज व'क मनोकक खगोरक दे [कथय फुद'कज देकज यकयक ककय %

1- कथल कवयकसकल ; R; कुरज

2- वतल कज दजको ; क; क वररे फुककल मप 'कक.कद वगक/कज .क दज .कज मनोक ; R; कुरज

3- कथल फुद वर यमनोक ; R; कुरज

4- क; कस'क मनोक- **

8. In the present case admittedly the applicant as well as respondent no.3 are not the legal heirs of Police Patil nor they are Ex-service women and therefore only two criterion are available i.e. qualification and seniority in age. It seems that the applicant and respondent no.3 are equally qualified and therefore the only criteria is left is seniority in age.

9. As per the record date of birth of applicant is 30-07-1990, whereas, the date of birth of respondent no.3 is 26-01-1986. Thus the respondent no.3 is senior in age than the applicant and therefore respondent no.2 seems to have applied the guidelines properly and selected respondent no.3 for the post of Police Patil.

10. In view of thereof, I do not find any illegality in the final select list dated 19-10-2015 and consequently the selection and appointment as respondent no.3 to the post of Police Patil. Hence, in view of above discussion, I pass the following order.

ORDER

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

(J.D. Kulkarni)
Member (J).