

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.337 OF 2018**

**DISTRICT: PUNE  
SUBJECT: POLICE PATIL  
SELECTION**

Mrs. Sayali Ganesh Jagade, )  
Village Ambed, Talaka – Velhe, )  
Dist. Pune. )... **Applicant**

**Versus**

- 1) State of Maharashtra, )  
Through its Principal Secretary, )  
Home Department, )  
Mantralaya, Mumbai- 400 032. )
- 2) Sub-Divisional Magistrate, )  
(Home Department), )  
Bhor, Dist. Pune. )
- 3) Mrs. Pramila Dashrat Jagade, )  
Village Ambed, Tal. – Velhe, )  
Dist. Pune – 4. )...**Respondents**

**Smt. Shah, learned Advocate holding for Shri Y.R. Shah, learned Advocate for the Applicant.**

**Shri Ashok J Chougule, learned Presenting Officer for the Respondent Nos.1 & 2.**

**Shri Sachin Ingulkar, learned Advocate for the Respondent No.3.**

**CORAM : A.P. Kurhekar, Member (J)**

**DATE : 30.03.2022.**

**JUDGEMENT**

1. The Applicant has challenged order dated 03.09.2017 whereby the Respondent No.2 – Sub-Divisional Magistrate (S.D.O) rejected the

objection raised by her for appointing Respondent No.3 as Police Patil of Village Ambed, Dist. Pune.

2. Shortly stated undisputed facts giving rise to this O.A. are as under:-

Respondent No.2 – S.D.O., Bhore, Dist. Pune had issued advertisement on 05.06.2017 inviting application to fill in the post of Police Patil of village Ambed for the term of 5 years. In pursuance, the Applicant as well as Respondent No.3 participated in the process, both got equal marks i.e. 69 out of 100. The Applicant however raised objection before S.D.O. by letter dated 14.12.2017 stating that the Respondent No.3's name is not mentioned in Voter List of village Ambed, and therefore she is not eligible for appointment of Police Patil. Respondent No.2 – S.D.O. however by letter dated 03.09.2017 rejected the objection raised by the Applicant and appointed Respondent No.3 as Police Patil of village Ambed by letter dated 03.01.2018. It is on this background the Applicant has filed the present O.A. challenging order dated 03.09.2017.

3. Heard Smt. Shah, learned Advocate holding for Shri Y.R. Shah, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondent Nos.1 & 2 and Shri Sachin Ingulkar, learned Advocate for the Respondent No.3.

4. Learned Advocate for the Applicant sought to assail the order of appointment of Respondent No.3 on the post of Police Patil of village Ambed. However, in O.A. prayer is restricted to quash and set aside order dated 03.09.2017 whereby objection raised by the Applicant is rejected and there is no prayer to quash and set aside appointment order dated 03.01.2018 in favour of Respondent No.3. Be that as it may, now let us see whether impugned order dated 03.09.2017 needs interference by this Tribunal.

5. Learned Advocate for the Applicant raised following grounds:-

- a) The Respondent No.3 is not resident of village Ambed, and therefore not eligible for appointment to the post of Police Patil.
- b) The Applicant being more qualified than Respondent No.3, S.D.O. ought to have appointed the Applicant in terms of G.R. dated 22.08.2014 which *inter-alia* provides for preference to candidates having more educational qualification where candidates secured equal marks.

6. Per contra, Shri A.J. Chougule learned P.O. has pointed out that Respondent No.3 is resident of village Ambed and Respondent No.3 is also graduate alike the Applicant, and therefore S.D.O. has rightly appointed Respondent No.3 on the basis of higher age in terms of G.R. dated 22.08.2014.

7. The Perusal of impugned order dated 03.09.2017 reveals that Respondent No.2 – S.D.O. was satisfied that Respondent No.3 was resident of village Ambed on the basis of documents produced before him namely Ration Card, Resident certificate issued by Talathi and Aadhar Card. Respondent No.2 – S.D.O. also found the Applicant and Respondent No.3 both have equal educational qualification, and therefore in terms of G.R. dated 22.08.2014 preference was given to the Respondent No.3 on the basis of higher age as comparing to the age of the Applicant.

8. Undisputedly, the Applicant and Respondent No.3 both got equal marks in the recruitment process. Government by G.R. dated 22.08.2014 issued instructions how to select Police Patil where candidates secured equal marks. Clause No.5 of G.R. dated 22.08.2014 is material, which is as under:-

**“५. उमेदवारास समान गुण मिळाल्यास.**

गुणवत्ता यादीमधील दोन किंवा त्यापेक्षा अधिक उमेदवार समान गुण धारण करित असतील, तर अशा उमेदवारांना गुणवत्ता क्रम खालील निकषांवर क्रमवार लावला जाईल:-

१. पोलीस पाटलांचे वारस, त्यानंतर
२. अर्ज सादर करावयाच्या अंतिम दिनाकांस उच्च शैक्षणिक अर्हता धारण करणारे उमेदवार, त्यानंतर
३. माजी सैनिक असलेले उमेदवार, त्यानंतर
४. वयाने ज्येष्ठ उमेदवार.”

9. Now, turning to the facts of present case, perusal of record reveals that the Applicant is B.Com. as seen from page 47 degree certificate issued by University of Pune, whereas Respondent No.3 has also produced certificate of graduation issued by University of Pune, she is B.Com. As such, educational qualification of the Applicant as well as Respondent No.3 is equal. This being the position, submission advanced by learned Advocate for the Applicant that the Applicant is more qualified than Respondent No.3 holds no water, both are graduate.

10. As stated above, in terms of G.R. dated 22.08.2014 where candidates secured equal marks the preference is to be given firstly to the heirs of Police Patil, secondly to the candidates who have more educational qualification, thirdly ex-servicemen and fourthly to the candidates who is higher in age. In present case, the Applicant and Respondent No.3 having secured equal marks, S.D.O. appointed Respondent No.3 in view of her higher age by applying sub-clause 4 of Clause 5 of G.R. dated 22.08.2014.

11. As regard, date of birth of Respondent No.3 as per birth certificate issued by Gram Panchayat, the Respondent No.3's date of birth is 12.05.1988, same is reflected in Aadhar Card at page 33. True, in school leaving certificate date of birth of the Respondent No.3 is shown 31.05.1988. However, perusal of birth certificate clearly reveals that date of birth is 12.05.1988 and date 31.05.1988 is date of registration of birth in record but it is wrongly carried forwarded in school leaving certificate, though in fact date of birth is 12.05.1988. Whereas, date of birth of the Applicant is admittedly 27.08.1991. It is thus explicit, even date of birth is taken as 31.05.1988, in that event also inevitable

conclusion is that Respondent No.3 is older than the Applicant. This being the position, the finding of Respondent No.2 - S.D.O. appointing Respondent No.3 on the basis of higher age cannot be faulted with.

12. Now, it comes to the issue of resident of village Ambed. In this behalf Respondent No.3 has produced Ration Card (page 32), Aadhar Card (page 33) and certificate issued by Talathi dated 13.08.2017. In all these documents Respondent No.3's place of residence is shown as village Ambed. True, in Ration Card there are some corrections in respect of deletion of name of mother-in-law. The name of Respondent No.3 is also found recorded in Ration Card on 16.06.2017. The Applicant has not filed any other documents to show that Respondent No.3 is resident of some other places than the village Ambed. Respondent No.3 has also executed the Affidavit before S.D.O. stating that she is resident of village Ambed and if found incorrect she will be liable to be removed from the post of Police Patil. Thus, on the basis of residence proof namely Ration Card, Aadhar Card, PAN Card and certificate issued by Talathi, S.D.O. got satisfied and recorded finding about the residence of Respondent No.3, and issued appointment order dated 03.01.2018 thereby appointing Respondent No.3 as Police Patil of village Ambed.

13. In this view of the matter, challenge to impugned order dated 03.09.2017 is devoid of merit and O.A. is liable to be dismissed.

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

**Sd/-**  
**(A.P. Kurhekar)**  
**Member (J)**

Place: Mumbai  
Date: 30.03.2022  
Dictation taken by: N.M. Naik.

Uploaded on: \_\_\_\_\_