

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,  
MUMBAI**

**ORIGINAL APPLICATION NO.553 OF 2020**

**DISTRICT: RAIGAD  
SUBJECT: APPOINTMENT OF  
POLICE PATIL**

- 1) Mrs. Jagruti Jalindar Khaire, )  
Age 36 years, Residing at House No.38, )  
Post Nandgaon, Taluka Sadhagadh, Dist. Raigad)... **Applicant**

**Versus**

- 1) The Sub Divisional Officer, )  
and Executive Magistrate Roha, Taluka Roha, )  
District: Raigad. )
- 2) The District Executive Magistrate, )  
Alibag Raigad. )
- 3) The Tahsildar Roha, )
- 4) Mr. Navnath Gopinath Lahane, )  
Age 36 years, Residing at Post Nandgaon, )  
Taluka Sudhagad, District: Raigad )  
Presently residing at Pali, Taluka Sudgagad, )  
District: Raigad. )... **Respondents**

Shri D.S. Pagare, learned Advocate for the Applicant.

Smt. Archana B.K., learned Presenting Officer for the Respondent Nos.1  
to 3.

Shri S. Taware, learned Advocate for the Respondent No.4.

CORAM : Shri A.P. Kurhekar, Hon'ble Member (J)

DATE : 03.12.2021.

**JUDGMENT**

1. In this second round of litigation, the Applicant has challenged the order dated 10.02.2020 whereby the objection raised by the

Applicant in respect of residence of Respondent No.4 at Village Nandgaon, Taluka Sudhagad, District Raigad has been rejected in the matter of his appointment as Police Patil of Village Nandgaon.

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

Initially, the Applicant has filed O.A. No.53/2019 challenging the communication dated 07.10.2016 issued by Sub Division Officer (SDO) thereby declaring her ineligible for the post of Police Patil of Village Nandgaon and also challenged the appointment of Respondent No.4 - Mr. Navnath to the post of Police Patil. The said O.A. was disposed of by order dated 11.11.2019 directing SDO to decide the issue of residence of Respondent No.4 - Mr. Navnath of Village Nandgaon afresh after giving an opportunity of hearing to the parties. Accordingly, SDO heard the parties and by order dated 10.02.2020 held that Respondent No.4 - Mr. Navnath is the resident of Village Nandgaon, District Raigad and rejected the objection raised by the Applicant.

3. Now again, the Applicant has approached the Tribunal by filing this O.A. for challenging the order dated 10.02.2020.

4. The issue posed for consideration is whether Respondent No.4 is the resident of Village Nandgaon as confirmed by SDO in his order dated 10.02.2020.

5. The learned Advocate for the Applicant contends that Respondent No.4's wife has taken one premises at Village Pali by Leave and License Agreement dated 15.06.2016 and this aspect supports his contention that Respondent No.4 is the resident of Village Pali and there he is running business of Mobile Repairing. In addition to it, he sought to contend that the Electricity Bill of the said premises is in the name of Respondent No.4 - Mr. Navnath. Apart, he sought to rely on Photograph

of the said shop. Needless to mention no importance can be given to the Photograph.

6. Whereas, on the other hand, the learned Advocate for Respondent No.4 and learned P.O. has invited my attention to the observations and findings made by SDO in his order dated 10.02.2020 showing residence of Respondent No.4 - Mr. Navnath at Village Nandgaon.

7. The perusal of impugned order reveals that the SDO had called report from Tahisildar Nandgaon, Taluka Sudhagad. Before him Respondent No.4 - Mr. Navnath has produced School Leaving Certificate, Ration Card, Aadhar Card, Election I.D. Card establishing his residence at Village Nandgaon. Apart, Respondent No.4 has produced the Certificate issued by Gram Sevak Nandgaon stating that there is a house of his father Gopinath at Nandgaon and Respondent No.4 is residing there. On the basis of this report, the SDO, Taluka Sudhagad concluded that Respondent No.4 – Mr. Navnath is the resident of Village Nandgaon.

8. In O.A. also, Respondent No.4 has tendered the documents namely Leaving Certificate, Certificate of Age, Nationality and Domicile Certificate dated 07.10.2016 issued by Tahsildar Sudhagad, Residence Certificate issued by Gram Panchayat, Aadhar Card wherein the Applicant's address and Residence is shown of Nandgaon. As such the conclusion of the SDO as recorded in order dated 10.02.2020 is supported by these documents discussed above.

9. The learned Advocate for the Applicant sought to make much capital of one statement made by Respondent No.4 – Mr. Navnath before Circle Officer, wherein it is stated as under: -

“मी मोबाईल रिपेअरिंग व्यवसायानिमित्त मौजे. पाली येथे श्रीमती खैरे यांचे निवासस्थानी राहत असून, त्यांचेच गाळ्यात मोबाईल रिपेअरिंगचा व्यवसाय करित आहे. मी मूळ रहिवाशी नांदगाव येथील आहे. भविष्यात पोलीस

पाटील पदासाठी माझी निवड झाल्यास मी माझे मुळगाव नांदगाव, ता. सुधागड येथे वास्तव्यास जाणार आहे.”

10. Material to note, it was statement recorded on 08.08.2016. The Applicant has produced Electricity bill as referred by Learned Advocate for the Applicant. It goes to show that at some point of time, Respondent No.4 - Mr. Navnath was staying at Pali. Importantly Respondent No.4 - Mr. Navnath is appointed as Police Patil of Village Nandgaon, subsequently, by letter dated 07.10.2016. There is no denying that the Applicant's place of birth is Nandgaon and there is a house in the name of his father at Nandgaon. Village Pali is 11 km away from Nandgaon. Needles to mention, the carrying of business and residence are two different issues. Indeed, in statement made before Circle Officer, Respondent No.4 - Mr. Navnath stated that if he is appointed to the post of Police Patil he will shift to Nandgaon permanently since he is the resident of said village.

11. At the same time, there is another set of documents showing Applicant's residence at Nandgaon in the form of Visiting Card, Election I.D. Card, Aadhar Card, Certificate issued by Gram Sevak and Character Certificate issued by Police Inspector, Pali. It is on the basis of these documents, the SDO was satisfied that Respondent No.4 - Mr. Navnath is the resident of Nandgaon. In the light of aforesaid discussion, these findings of facts based upon document cannot be said perverse and needs no interference.

12. Indeed, the Applicant who participated in the process of recruitment of Police Patil of Village Nandgaon was not at all eligible, since she had not passed SSC Examination which was one of the conditions of eligibility, though she had secured marks more than the Respondent. Her candidature was rejected having not found liable for appointment of Police Patil. It is on this background, the Applicant has challenge the appointment of Respondent No.4 - Mr. Navnath on the ground that he is not the resident of Nandgaon which has been rightly

turned down by SDO. Suffice to say, the Applicant has no *locus standi* to challenge the appointment of Respondent No.4 - Mr. Navnath.

13. The totality of the aforesaid discussion leads me to sum-up that the challenge to the impugned order holds no water and O.A. is liable to be dismissed. Hence, the order.

**ORDER**

The Original Applicant stands dismissed with no order as to costs.

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

Place: Mumbai  
Date: 03.12.2021  
Dictation taken by: N.M. Naik.