

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION ST. NO. 1839 OF 2023

DISTRICT:- OSMANABAD

Daulat S/o Deelip Patil,
Age : 41 years, Occ: Agril.,
R/o: Mardi, Tq. Lohara
Dist. Osmanabad.

.. APPLICANT

V E R S U S

01. The State of Maharashtra
02. The District Collector/District
Magistrate, Osmanabad,
Dist. Osmanabad.
03. The Sub Divisional Officer cum
Sub Divisional Magistrate,
Omerga, Tq. Omerga,
Dist. Osmanabad.

.. RESPONDENT

APPEARANCE : Shri Hanumant V. Patil, learned counsel
for the applicant.
: Shri D.R. Patil, learned Presenting
Officer for the respondent authorities.

CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN

DATE : 21.09.2023

O R A L O R D E R

Heard Shri Hanmant V. Patil, learned counsel for the
applicant and Shri D.R. Patil, learned Presenting Officer for the
respondent authorities.

2. Perused the contents of the O.A., as well as, prayer made therein. It is the grievance of the applicant that the post of Police Patil for village Mardi, Tq. Lohara, Dist. Osmanabad has been wrongly reserved for the candidates belonging to SC (Female).

3. Learned counsel appearing for the applicant submitted that considering the reservation policy as is revealing from the G.R. dated 16.10.2008, the post of Police Patil for village Mardi was required to be reserved for the candidate belonging to NT (C) category since NT (C) population is much larger in the said village than the other villages. In the circumstances, the applicant has prayed for following reliefs: -

“(A) To quash and set aside the reservation dated 25.08.2023 declared by the Sub Divisional Officer, Omurga for village Mardi Tq. Lohara, Dist. Osmanabad and to hold and declare that the post is reserved for NT-C category and the applicant is entitled for appointment as a Police Patil of village Mardi, Tq. Lohara, Dist. Osmanabad.

“(B) The impugned communication dated 10.08.2020 issued by the respondent No. 3 may kindly be quashed and set aside and the respondent No. 3 may kindly be directed to give appointment order to the applicant on the post of Police Patil of village Mardi, Tq. Lohara, Dist. Osmanabad.”

4. After having heard the learned counsel appearing for the applicant and after having gone through the contents of the Original Application and prayers made therein, it appears to me that the subject matter will not fall within the jurisdiction of

this Tribunal and no relief claimed by the applicant can be granted under the provision of the Administrative Tribunals Act, 1985. The application can be filed before Administrative Tribunal under Section 19 of the Administrative Tribunals Act, 1985. The relevant portion of it reads thus: -

“19. Applications to tribunals.—*(1) Subject to the other provisions of this Act, a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance.”*

5. Reading of the aforesaid provision would reveal that the grievance can be raised before this Tribunal only against such orders, which pertain to the matters which fall within the jurisdiction of this Tribunal.

6. Section 15 of the Administrative Tribunals Act, 1985 pertains to jurisdiction, powers and authority of the State Administrative Tribunals. It reads thus: -

“Section-15. Jurisdiction, powers and authority of State Administrative Tribunals.-*(1) Save as otherwise expressly provided in this Act, the Administrative Tribunal for a State shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court) in relation to—*

(a) recruitment, and matters concerning recruitment, to any civil service of the State or to any civil post under the State;

(b) all service matters concerning a person not being a person referred to in clause (c) of this sub-section or a member, person or civilian referred to in clause (b) of sub-section (1) of section-14 appointed to any civil service of the State or any civil post under the State and pertaining to the service of such person

in connection with the affairs of the State or of any local or other authority under the control of the State Government or of any corporation owned or society or controlled by the State Government;

(c) all service matters pertaining to service in connection with the affairs of the State concerning a person appointed to any service or post referred to in clause (b), being a person whose service been placed by any such local or other authority or corporation or society or other body as is controlled or owned by the State Government, at the disposal of the State Government for such appointment.

(2) The State Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities and corporations or societies controlled or owned by the State Government:

Provided that if the State Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations or societies.

(3) Save as otherwise expressly provided in this Act, the Administrative Tribunal for a State shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation or society, all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court) in relation to—

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation or society; and

(b) all service matters concerning a person other than a person referred to in clause (b) of sub-section (1) of this section or a member, person or civilian referred to in clause (b) of sub-section (1) of section 14 appointed to any service or post in connection with the affairs of such local or other authority or corporation or society and pertaining to the service of such person in connection with such affairs.

(4) For the removal of doubts, it is hereby declared that the jurisdiction, powers and authority of the Administrative Tribunal for a State shall not extend to, or be exercisable in relation to, any matter in relation to which the jurisdiction, powers and

authority of the Central Administrative Tribunal extends or is exercisable.”

As provided in the aforementioned Section, all service matters concerning to the State Government Employees fall within the jurisdiction of this Tribunal.

7. It has been argued on behalf of the applicant that the disputes raised by the applicant is in respect of the appointments of Police Patil for village Mardi, Tq. Lohara Dist. Osmanabad and hence, is perfectly maintainable before this Tribunal.

8. The grievance of the applicant is that the post of Police Patil for village Mardi, Tq. Lohara Dist. Osmanabad has been erroneously reserved for SC (Female) candidates. According to the applicant, it must have been reserved for the candidates belonging to NT (C) category. It is, therefore, the further submission of the applicant that because of such erroneous decision, his opportunity to contest for the post of Police Patil for village Mardi has been taken away. With this context, it has been argued by the learned counsel for the applicant that this Tribunal has jurisdiction to try and entertain the present O.A.

9. It is difficult to agree with the submissions made on behalf of the applicant. The applicant is requiring this Tribunal to decide the legality of the decision, whereby the post of Police Patil for village Mardi has been reserved for SC (Female) candidate. It has to be stated that, 'to determine the reservation' is the subject, which does not fall within the jurisdiction of this Tribunal.

10. The applicant has placed on record the G.R. dated 16.10.2008, whereby the policy has been declared for determining the reservations for the post of Police Patil. Adhering to the said policy and the procedure prescribed, the reservations are to be fixed by the Revenue Officers. Conjointly read the provisions under Sections 15 & 19 of the Administrative Tribunals Act, 1985, there remains no doubt that whether or not such reservations are correctly determined, cannot be a subject matter before this Tribunal.

11. The Original Application, therefore, stands disposed of being not maintainable under the provisions of the Administrative Tribunals Act, 1985. There shall be no order as to costs.

VICE CHAIRMAN