

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO. 1011, 1012 & 1013 of 2015

DISTRICT: KOLHAPUR

O.A.NO.1011 OF 2015

Mrs. Alka A. Patil,)
R/at.Dardewadi, Taluka Ajara,)
Dist. Kolhapur) .. Applicant

Versus

1. The State of Maharashtra through)
The Secretary for Home Department,)
Mantralaya, Mumbai.)
2. Sub Divisional Officer, Bhudargad,)
Division Bhudargad, Taluka Bhudargad)
Dist. Kolhapur.)
3. The District Collector, Kolhapur, Nagala Park,)
Kolhapur, Dist. Kolhapur.)
4. The Divisional Commissioner, Pune, Division)
Pune, District Pune.)
5. Sub Divisional Officer, Gadhinglaj, Taluka)
Gadhinglaj, Dist. Kolhapur.) .. Respondents

O.A.NO.1012 OF 2015

Mrs. Sujata S. Gurav,)
R/at. Hajgoli (Budruk), Taluka Ajara, Dist.Kolhapur) .. Applicant

Versus

The State of Maharashtra & 4 others) .. Respondents



O.A.NO.1013 OF 2015

Mrs. Sulochana K. Gurav,)
 R/at. Devarde, Taluka –Ajara, Dist. Kolhapur) .. Applicant

Versus

The State of Maharashtra & 4 others) ..Respondents

Shri U. Kurund, the learned Advocate for the Applicants.

Shri A.J. Chougule, the learned P.O. for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman.

DATE : 10.02.2016.

ORDER

1. Heard Shri U. Kurund, the learned Advocate for the Applicants and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.
2. Shri A.J. Chougule, learned P.O. has tendered Affidavit-in-Reply in O.A.No.1011, 1012 & 1013/2015. It is taken on record.
3. The common fact in all these three cases are as follows:-
 - a) Applicants had applied pursuant to advertisement issued by Sub Divisional Officer for appointment for the post of Police Patil.
 - b) All the three applicants did not possess eligibility as none amongst them has passed matriculation.
 - c) The S.D.O. kept all three applications pending with liberty to applicant to apply as and when post would be advertised in future.
4. It is common ground that after challenging the reservation, all three posts were advertised.
5. In case of O.A. No.1011/2015, candidature of eligible is received, he is selected and is appointed.

6. In remaining two cases in O.A.No.1012 & 1013/2015, the recruitment process is in progress and eligible candidates have become available. The applicants have urged as follows:-

The S.D.O. has power to relax the qualifications and he ought to have taken a decision for relaxation.

7. While it is a fact that power to relax educational qualification is within the arena of powers of his S.D.O., an applicant cannot claim that S.D.O. must or ought to exercise the power to relax.

8. The Higher Authority's observation that S.D.O. is competent to relax cannot be mean, constitute or be construed to suggest that there exist a direction or order for relaxation.

9. Therefore, the order passed by the S.D.O. cannot be faulted.

10. Therefore, no interference is called for, all the three application are dismissed.

Sd/-
(A.H. Joshi, J.)
Chairman