

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

DIST. SOLAPUR

**ORIGINAL APPLCATION NOS.1030/2017 WITH O.A.NO.1031/2017 WITH
O.A.NO.1032/2017 WITH O.A.NO.1033/2017 WITH O.A. NO.1034/2017 WITH
O.A.NO.1049/2017 WITH ORIGINAL APPLICATION NO.1050 OF 2017**

ORIGINAL APPLCATION NOS.1030 of 2017

Shri Dilip Shivdas Patil)
Aged 48 yrs, Occu.: Agriculture)
R/at Village Dahigaon, Tal. Malshiras, Dist. Solapur.) **....Applicant**

Versus

1. The State of Maharashtra,)
Through Secretary,)
Home Department, M.S.)
Mantralaya, Mumbai.)
2. The Collector, Solapur, Dist. Solapur.)
3. Sub Divisional Magistrate, Malshiras Sub)
Division, Akluj, Dist. Solapur.)
4. More Vithal Ramchandra)
R/at Dahigaon, Tal. Malshiras,)
Dist. Solapur.) **...Respondents.**

ORIGINAL APPLICATION NO.1031 OF 2017

Shri Sanjay D. Salunkhe)
Aged 40 yrs, Occu.: Agriculture)
R/at Village Mandwe, Tal. Malshiras, Dist. Solapur.) **....Applicant**

Versus

1. The State of Maharashtra,)
Through Secretary,)
Home Department, M.S.)
Mantralaya, Mumbai.)
2. The Collector, Solapur, Dist. Solapur.)
3. Sub Divisional Magistrate, Malshiras Sub)
Division, Akluj, Dist. Solapur.)
4. Shri Nitin B. Sontakke)
R/at Mandwe, Tal. Malshiras,)
Dist. Solapur.) **...Respondents.**

ORIGINAL APPLICATION NO.1032 OF 2017

Shri Ajit Gopal Patil)
 Aged 45 yrs, Occu.: Agriculture)
 R/at Village Gursale, Tal. Malshiras, Dist. Solapur.) **....Applicant**

Versus

1. The State of Maharashtra,)
 Through Secretary,)
 Home Department, M.S.)
 Mantralaya, Mumbai.)
2. The Collector, Solapur, Dist. Solapur.)
3. Sub Divisional Magistrate, Malshiras Sub)
 Division, Akluj, Dist. Solapur.)
4. Chavan Vikram Mahadev)
 R/at Gursali, Tal. Malshiras,)
 Dist. Solapur.) **...Respondents.**

ORIGINAL APPLICATION NO.1033 OF 2017

Shri Sunil Jagannath Shinde)
 Aged 48 yrs, Occu.: Agriculture)
 R/at Village Shindewadi, Tal. Malshiras,)
 Dist. Solapur.) **....Applicant**

Versus

1. The State of Maharashtra,)
 Through Secretary,)
 Home Department, M.S.)
 Mantralaya, Mumbai.)
2. The Collector, Solapur, Dist. Solapur.)
3. Sub Divisional Magistrate, Malshiras Sub)
 Division, Akluj, Dist. Solapur.)
4. Dhainje Shamita Hari)
 R/at Shindewadi, Tal. Malshiras,)
 Dist. Solapur.) **...Respondents.**

ORIGINAL APPLICATION NO.1034 OF 2017

Shri Sadashiv Pandurang Patil)
 Aged 55 yrs, Occu.: Agriculture)
 R/at Village Kurbavi, Tal. Malshiras, Dist. Solapur.) **....Applicant**

Versus

1. The State of Maharashtra,)
 Through Secretary,)
 Home Department, M.S.)
 Mantralaya, Mumbai.)
2. The Collector, Solapur, Dist. Solapur.)
3. Sub Divisional Magistrate, Malshiras Sub)
 Division, Akluj, Dist. Solapur.)
4. Danane Kuldip Hirachand)
 R/at Kurbhawi , Tal. Malshiras,)
 Dist. Solapur.) **...Respondents.**

ORIGINAL APPLICATION NO.1049 OF 2017

Ujwala Sanjay Patil)
 Aged 47 yrs, Occu.: Agriculture/housewife)
 R/at Village Gursali, Tal. Malshiras, Dist. Solapur.) **....Applicant**

Versus

1. The State of Maharashtra,)
 Through Secretary,)
 Home Department, M.S.)
 Mantralaya, Mumbai.)
2. The Collector, Solapur, Dist. Solapur.)
3. Sub Divisional Magistrate, Malshiras Sub)
 Division, Akluj, Dist. Solapur.)
4. Chavan Vikram Mahadev)
 R/at Gursali, Tal. Malshiras,)
 Dist. Solapur.) **...Respondents.**

ORIGINAL APPLICATION NO.1050 OF 2017

Shri Sagar Sakharam Roopnawar)
 Aged 26 yrs, Occu.: Agriculture)
 R/at Village Dombalwadi, Tal. Malshiras,)
 Dist. Solapur.) **....Applicant**

Versus

1. The State of Maharashtra,)
 Through Secretary,)
 Home Department, M.S.)
 Mantralaya, Mumbai.)
2. The Collector, Solapur, Dist. Solapur.)
3. Sub Divisional Magistrate, Malshiras Sub)
 Division, Akluj, Dist. Solapur.)
4. Yadav Dattatray Sopan)
 R/at Dombalwadi, Tal. Malshiras,)
 Dist. Solapur.) **...Respondents.**

Shri S. S. Prabhune, Counsel for the Applicants.
 Smt Archana B. K., Presenting Officer for the Respondents

CORAM : SHRI A.P. KURHEKAR, MEMBER-J

DATE : 01.08.2019

J U D G M E N T

1. Heard Shri S. S. Prabhune, learned Counsel for the Applicants and Smt. Archana B. K., learned Presenting Officer for the Respondents.
2. All these Original Applications are filed by the candidates who have applied for temporary appointment on the post of Police Patil of different villages at Malshiraj Tal, Dist. Solapur on the basis of Rule 6 of Maharashtra Village Police Patil (Recruitment, Pay & Allowance and other Conditions of Services) Order, 1968 (hereinafter referred to as 'Order 1968' for brevity).
3. Perusal of Original Applications reveal that the post of Police Patil of these villages in Malshej, Dist. Solapur had fallen vacant in the different years i.e.2002, 2006,

2009 and 2014 for various reasons namely, death of incumbent, expiry of term etc. The Applicants have applied to S.D.O., Malshiraj for temporary appointment on the post of Police Patil in view of Rule 6 of 'Order 1968'. However, S.D.O. did not respond to the Applicants.

4. Later, S.D.O. Malshiraj had issued Notification on 25.10.2017 inviting applications to fill-in the post of Police Patil of these villages and, therefore, the Applicants have filed the O.As. on the ground that they were entitled for the appointment on the post of Police Patil but because of inaction on the part of S.D.O., they have been deprived of and have challenged the Notification dated 25.10.2017. All these Original Applications are filed on 07.11.2017.

5. During the pendency of these Original Applications, the recruitment process had been completed and eligible candidates were appointed on the post of Police Patil in all these villages. In view of this development, the Applicants have amended the Original Applications and also challenged the appointment of the candidates who are selected and appointed on the post of Police Patil.

6. Learned Counsel for the Applicants sought to contend that in view of Rule 6 of 'Order 1968', the S.D.O. was empowered to make temporary appointment and had the claim of the Applicants were considered, then by virtue of Notification dated 28.06.2011, the Applicants would have been entitled for the regular appointments. G.R. dated 28.10.2011 inter-alia provides that where the candidates have worked for more than two years as temporary Police Patil, he could be appointed on the regular post subject to other suitability.

7. Thus, sum and substance of the submission of the learned Counsel is that right of the Applicants for considering them on the post of Police Patil has been infringed and, therefore, prayed to quash and set aside the Notification dated 25.10.2017 and also to quash the appointments of newly elected Police Patils.

8. Whereas, learned P.O. for the Respondents submits that process of the appointment has been already completed and these Original Applications have become infructuous.

9. True, the Rule 6 of 'Order 1968' provides for the temporary appointment of Police Patil where the post of Police Patil is vacant. It was during that period, the

Applicants have made an applications but it was not responded by the S.D.O. Malshiraj. However, the fact remains that by virtue of Notification dated 25.10.2017, the process of appointment of Police Patil has been already completed. The candidates were already appointment and functioning on the posts. As such, it is the case of *fait-accomplis*.

10. Merely because, the Applicants submitted applications for temporary appointment on the posts of Police Patil, they don't have vested right for the appointment on the post of Police Patil. The S.D.O. has discretion whether to appoint the candidates on the post of Police Patil temporarily. Therefore, mere making an application for temporary appointment do not ipso-facto invest or confer any right in favour of the Applicants, and they have no locus to challenge the Notification dated 25.10.2017.

11. Furthermore, there are lapses and laches on the part of Applicants as they have filed these Original Applications only after issuance of Notification for regular appointment of Police Patil. They did not take any action for a long period. As such, all these Original Applications are filed quite belatedly.

12. Only because at some places in same sub-division, the S.D.O. has appointed some other candidates temporarily that *ipso-facto* does not invest or confer any right in favour of the Applicants. The appointments to the post of Police Patil falls within the domain of S.D.O. and the Applicants have no vested right of appointment on temporary basis.

13. In view of above, I have no hesitation to sum up that all these Original Applications are infructuous and devoid of merit. It deserves to be dismissed.

ORDER

Original Application are dismissed with no order as to costs.

Sd/-
(A.P. KURHEKAR)
Member(J)

Place : Mumbai
Date : 01.08.2019
Dictation taken by : V.S.MANE.

