

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.1035 OF 2018
(Subject : Police Patil)

DISTRICT : SOLAPUR

Salima Chando Sherikar,)
A/p. Ingalgi, Taluka : South Solapur,)
District : Solapur.) ... Applicant

Versus

1. The State of Maharashtra,)
Home Department,)
Mantralaya, Mumbai.)
(Through its Secretary))
2. The Collector,)
At Solapur,)
3. The Sub Divisional Officer,)
Solapur 2, At Solapur District Central Bank,)
Third Floor, Collector Officer Area,)
Solapur.)
4. Circle Officer Walsang,)
Taluka : South Solapur,)
District – Solapur.)
5. Jayshri Shivaji Dhulve,)
A/p. Ingalgi, Taluka : South Solapur,)
District : Solapur.) ... Respondents

Shri B.A. Lawate, learned Advocate instructed by Shri L.K. Kalel, learned Advocate for the Applicant.

Shri A.J. Chougule, learned Presenting Officer for the Respondents No.1 to 4.

Shri S.K. Hande, learned Advocate for the Respondent No.5.

CORAM : **SHRI A.P. KURHEKAR, MEMBER(J)**

DATE : **16.08.2019**

J U D G M E N T

1. Heard Shri B.A. Lawate, learned Advocate instructed by Shri L.K. Kalel, learned Advocate for the Applicant, Shri A.J. Chougule, learned Presenting Officer for the Respondents No.1 to 4 and Shri S.K. Hande, learned Advocate for the Respondent No.5.

2. In the present Original Application Applicant has challenged the impugned order dated 13.03.2008 passed by Respondent No.3, Sub Divisional Officer (SDO) rejecting the objection made by the Applicant pertaining to appointment of Respondent No.5 on the post of Police Patil of Village Ingalgi, Taluka - South Solapur.

3. The Applicant as well as Respondent No.5, Smt. Jayshri Shivaji Dhulve (maiden name) had applied to the post of Police Patil of Village Ingalgi in pursuance to the Notification issued by Respondent No.3, SDO. Respondent No.3 conducted the examination and appointed Respondent No.5 to the post of Police Patil of Village Ingalgi having secured highest marks. However, the Applicant made compliant with the Collector stating that the Respondent No.5 is not the resident of Village Ingalgi and had secured the appointment by making false representation. Thereon, Respondent No.3, SDO conducted the enquiry by calling the report of Circle Officer and on giving hearing to the parties rejected the objection by impugned order dated 13.03.2018. Respondent No.3 held that the Respondent No.5 is resident of Village Ingalgi and he has been rightly appointment to the post of Police Patil.

4. Now, the Applicant has challenged the impugned order dated 13.03.2018 contending that the appointment of Respondent No.5 to the post of Police Patil is illegal on the ground that she is not resident of Village Ingalgi.

5. Learned Advocate Shri B.A. Lawate submits that the Applicant has not furnished the documents of her residence of Village Ingalgi as required as per the Advertisement. He further sought to contend that the Applicant's name is also shown in the Voters list at the place of her husband at Village Hipparga Ghat, District Bidar, State of Karnataka. He, therefore, submits that the finding recorded by Respondent No.3 that Respondent No.5 is resident of Village Ingalgi is erroneous and liable to be set aside.

6. Whereas learned P.O. Shri A.J. Chougule for the Respondents No.1 to 4 submits that at the time of filling the application for the post of Police Patil, the Applicant has submitted certificate from Gramsevek along with the copy of Adhar card and Ratio card. He has further pointed out on receipt of the complaint made by the Applicant enquiry was conducted and report was called from the Circle Officer, wherein the Applicant was found residing at Village Ingalgi. He thus supported the impugned order by SDO. Whereas learned Advocate Shri S.K. Hande for the Respondent No.5 submits that Applicant is a resident of Village Ingalgi and even after marriage she is staying in her parental house. He has further pointed out that Respondent No.5 is shown resident of Village Ingalgi in Adhar card, Voter identity card and domicile certificate. He therefore submits that the order passed by SDO appointing Respondent No.5 on the post of Police Patil is legal and valid.

7. The issue posed for consideration is whether satisfaction recorded by Respondent No.3 about the residence of Respondent No.5 at Village Ingalgi is correct.

8. Perusal of impugned order dated 13.03.2018 reveals that the Respondent No.5 has filed certificate from Gramsevek to show that she is resident of Village Ingalgi. Admittedly, Respondent No.5 has secured highest marks and was

accordingly appointed on the post of Police Patil. However, the Applicant objected the same on the ground that Respondent No.5 is not the resident of Village Ingalgi and the complaint made by the Applicant has been enquired into by SDO by calling report of Circle Officer. Before Circle Officer the Applicant has stated that she is staying at her parental home at Village Ingalgi. The Circle Inspector in his report further stated that though Respondent No.5 got married with person from Sinnur, District Gulbarga from Karnataka in 2011, since marriage she is staying at her parental home. Respondent No.5 had produced Adhar card before Circle Officer. The record further reveals that the Circle Officer had recorded the statement of the neighbours of Respondent No.5 namely Shri Ganesh E. Mane and Shri Shawarsiddha C. Kote who have stated that the Applicant stays at her parental home at Village Ingalgi. The Circle Officer accordingly submitted report of SDO that the Respondent No.5 is resident of Village Ingalgi. In addition to it Respondent No.5 has also produced the Adhar card dated 31.04.2015, domicile certificate dated 15.07.2009 on the basis of certificate issued by Talathi of Village Ingalgi and has also produced certificate of nationality issued by Talathi, South Solapur on 15.01.2019. Besides she has also produced Voters Information card which shows that her name has been recorded in the voters list of Legislative Assembly Constituency, South Solapur. Respondent No.5 has also produced extract of House Property Register issued by Gram Panchayat, Village Ingalgi which shows that there is house in the name of her mother Smt. Nirmala Shivaji Dhulve, where she resides. It is on the basis of these documents Respondent No.5 is held residence of Village Ingalgi and accordingly, she has been appointed on the post of Police Patil.

9. True, it seems that the name of the Respondent No.5 was also recorded in Voter list of Legislative Assembly Constituency elections in the State of Karnataka wherein her name is recorded as Smt. Jaishree wife of Ramanna. Except this single document Applicant has not produced any other material to

show that she is residing with husband in Karnataka. Even assuming for a moment that her name appears in the Voter list of State of Karnataka that itself will not outweigh the documentary evidence produced by Respondent No.5 particularly report of Circle Officer which is corroborated by Adhar card and domicile certificate issued by Tahasildar, South Solapur. Respondent No.5 specifically contents that though she got married she is staying in her parental home in Village Ingalgi which found substantiated by material produced on record.

10. In view of the above, findings recorded by SDO that the Applicant is resident of Village Ingalgi cannot be faulted with. I see no reason to interfere in the impugned order.

11. For the aforesaid reasons, I have no hesitation to sum up that the O.A. is devoid of merit and deserves to be dismissed. Original Application is dismissed.

Sd/-

(A.P. Kurhekar)
Member(J)

prk