

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO. 1095 OF 2015

DISTRICT : PUNE

Smt. Yogita Vishwanath Salunkhe,)
@ Yogita Ganesh Pawar. Age: 36 years)
Occ. Police Naik., R/at. Pratibha Complex,)
4th Floor, Flat No. 12, 1315 Kasbapeth, Pune.)...**Applicant**

VERSUS

1. The State of Maharashtra through,)
The Secretary, Home Dept.,)
Mantralaya, Mumbai.)
2. The Chairman/Secretary,)
M.P.S.C., 3rd Floor, Bk. Of India Bldg.,)
M.G.Road, Fort, Mumbai 1.)
3. The Dean,)
Sassoon Hospital, Pune)
4. The Director General of Police,)
MS., Mumbai, Shahid Bhagat Singh Road,)
Colaba, Mumbai.)**Respondents**

Shri K.R. Jagdale, the learned Advocate for the Applicant.
Shri N.K. Rajpurohit, the learned Chief Presenting Officer for
the Respondents.

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CORAM : Shri Rajiv Agarwal, Vice-Chairman

Shri R.B. Malik (Member) (J)

DATE : 12.08.2016

PER : Shri Rajiv Agarwal (Vice-Chairman)

J U D G E M E N T

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicant and Shri N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
2. This O.A. has been filed by the Applicant claiming that her height was not measured correctly in the Police Sub-Inspector (Preliminary) Examination, 2011 by the Respondent no.2. The Respondent no.3 may be directed to re-measure the height of the Applicant and if the Applicant meets the standards, she may be held eligible for appointment to the post of Sub-Inspector of Police from Sportsperson Category.
3. Learned Counsel for the Applicant argued that the Applicant had applied for the post of Sub-Inspector of Police from Sportsperson Category pursuant to advertisement dated 05.05.2011 for Police Sub-Inspector (Preliminary) Examination and 10.08.2011 for Police Sub-Inspector (Main) Examination issued by the Respondent no.2. Learned

Counsel for the Applicant stated that the Applicant successfully passed Preliminary Examination conducted by the Respondent no.2 and also obtained 184 marks in the main examination. She was sent for physical test on 15.12.2011. The measurement of her height was done wrongly and her height was measured as 155.7 cms., while it is actually 157 cms. The Applicant has challenged communication dated 15.12.2011 from the Respondent no.3 that she was found unfit as she did not meet the height requirement as per the Requirement Rules. Learned Counsel for the Applicant argued that the Applicant's height as measured by Police Hospital, Shivaji Nagar, Pune on 06.11.2015 is 157 cms. (Exhibit 4, page 18 of the Paper Book). As measured by Remedy Hospital, Pune on 25.11.2015, and Panchshul Hospital, Pune on 25.11.2015 it is 157 cms. Learned Counsel for the Applicant prayed that the Respondent no.3, viz, Sassoon Hospital, Pune may be directed to re-measure the height of the Applicant, and if it is found to be 157 cms, she may be considered for appointment as Police Sub-Inspector from Sportsperson Category.

4. Learned Chief Presenting Officer (C.P.O.) argued that the Applicant has approached this Tribunal in January, 2016 regarding the selection process, which was over in 2011. The Applicant, by her own admission, was informed by the Respondent no.3 on 15.12.2011 that she did not meet the height requirement for the post of Sub-Inspector as per Recruitment Rules, which were mentioned in the



advertisement dated 05.05.2011. This O.A. is clearly time-barred and the Applicant has not even prayed for condonation of delay. The Applicant's physical test was conducted and her height measured by a committee. Her height was again measured by Appellate committee on 22.12.2011 and she was again informed on 22.12.2011 that she did not meet height requirements for the post.

5. We find that in her affidavit in rejoinder dated 13.04.2016, the Applicant has not denied that her height was re-measured by on Appellate Committee on 22.12.2011. She has stated that on 10.11.2015, she had submitted a letter to the Respondent no.3 for re-measurement of her height. The Respondent no.3 is Sassoon Hospital, Pune, who was nowhere in picture in the entire selection process. We are unable to understand as to how a letter after 5 years to a Hospital unconnected with the selection process will give cause of action to the Applicant. The Applicant has not made any application for condonation of delay.

6. There is no explanation as to why the Applicant waited for 5 years before approaching this Tribunal. In any case, the selection process is already over, five years back and there is no way, the case of the Applicant for appointment to the post of P.S.I. in 2011 selection process can be considered now.

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7. The present O.A. is clearly time barred and cannot be entertained. It is dismissed with no order as to costs.

Sd/-

(R.B. MALIK)
MEMBER (J)
12.08.2016

Sd/-

(RAJIV AGARWAL)
(VICE-CHAIRMAN)
12.08.2016

Date : 12.08.2016

Place : Mumbai

Dictation by : NMN

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