

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.156 OF 2016**

**DISTRICT : KOLHAPUR**

Smt. Kalpana Ananda Jamadar. )  
Age : 34 Yrs., Occu.: Housewife, )  
R/o. Nerle, Taluka Shahuwadi, )  
District : Kolhapur. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through the Secretary, )  
Home Department, Mantralaya, )  
Mumbai – 400 032. )

2. The Collector. )  
Kolhapur. )

3. The Sub-Divisional Officer. )  
Panhala Division, Dist.: Kolhapur. )

4. Smt. Deepali Dilip Gauli. )  
Age : Adult, Occu.: Nil. )

5. Smt. Sunita Dadaso Patil. )  
Age : Adult, Occu.: Nil. )

6. Smt. Shobha Anna Patil. )  
Age : Adult, Occu.: Nil. )

7. Smt. Savita Anil Patil. )  
Age : Adult, Occu.: Nil. )

(Nos.4 to 7 are residing at Nerle, )  
Taluka Shahuwadi, Dist.: Kolhapur). )...**Respondents**

**Mr. C.K. Bhangoji holding for Mr. R.K. Mendadkar, Advocate for Applicant.**

**Mrs. K.S. Gaikwad, Presenting Officer for Respondents.**

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

**DATE : 20.03.2019**

### **JUDGMENT**

1. The Applicant has challenged the Advertisement/Notification dated 04.01.2016 whereby the recruitment to fill-in the post of Police Patil of Village Nerle has been initiated.

2. The facts in brief are as follows :

The Applicant and Respondent Nos.4 to 7 are the resident of Village Nerle, Tal.: Shahuwadi, District : Kolhapur. On 04.01.2016, the Respondent No.3 (Sub Divisional Officer, Panhala, Kolhapur) had issued Advertisement to fill-in the post of Police Patil of Village Nerle. In pursuance of it, the Applicant submitted an application for the post of Police Patil and appeared in Written Examination conducted on 23.01.2016. The Respondent No.3 published the result of Written Test without showing the marks obtained by the candidates in Written Examination. The Applicant contends that it was mandatory for Respondent No.3 to declare marks obtained by the candidates in Written Examination and having not done so, the entire process is vitiated. She has, therefore, approached this Tribunal by filing present O.A. for declaration to set aside the Advertisement dated 04.01.2016 and for direction to conduct afresh process to fill-in the post of Police Patil of Village Nerle.

3. The Respondent No.3 resisted the application by filing Affidavit-in-reply (Page Nos.62 to 65 of the Paper Book) *inter-alia* denying that there is any

illegality in the process much less to vitiate the same. As regard result of Written Examination, the Respondent No.3 contends that the Applicant has secured 19 marks out of 80, and therefore, she was not qualified. As per usual practice, the marks of candidates qualified in the test were declared. After the declaration of result of Written Examination, necessary information sought by the Applicant was supplied to her and prayed to dismiss the application.

4. Thereafter, in Rejoinder, the Applicant raised another ground contending that the copy of the answer-sheet (Page No.54 of P.B.) is forged document and the signature appearing therein is not her signature and the same has been forged. On this ground, the Applicant contends that her real answer-sheet has been replaced by Respondent No.3 by preparing forged answer-sheet. As such, she sought to challenge the authenticity of the answer-sheet wherein she has shown secured 19 marks out of 80 marks.

5. In counter, the Respondent No.3 has filed Affidavit of Shri Kamble, Naib-Tahasildar, who was Supervisor at the time of conducting Written Examination. In Affidavit, he stated that, as per regular procedure, the answer-sheets were supplied to the candidates and their signatures were taken on the answer-sheet. He has stated that, in his presence, the Applicant put her signature on the answer-sheet No.3373 [Page No.54 is the Xerox copy of mark-sheet] and he too put the signature above with the signature of Applicant as a Supervisor. On this pleading, the Respondent No.3 denied the allegation of forgery and prayed to dismiss the application.

6. At the very outset, it needs to be stated that initially, the challenge to the Advertisement dated 04.01.2016 was restricted for non-disclosing the marks of the Applicant in Written Examination. True, the Respondent No.3 ought to have published the marks obtained by the candidates while declaring the result of Written Examination for transparency. However, that itself cannot be the ground to vitiate the entire process unless substantial injustice or prejudice is shown to

have been caused to the Applicant or there is violation of mandatory provisions of law. In the present case, the learned Advocate for the Applicant could not point out any such mandatory requirement making it imperative to publish the marks obtained by the candidates in Written Examination. Therefore, only because marks were not declared, that itself cannot be the ground to vitiate the entire process, particularly when the Respondent No.3 has produced the record which spells that the Applicant could secure only 19 marks out of 80.

7. Subsequently, during the pendency of application by way of Rejoinder, the Applicant has come with the allegation that the signature on answer-sheet (Page No.54 of P.B.) is forged. In so far as this aspect is concerned, the Respondent No.3 has filed Affidavit of Shri Kamble, Naib Tahasildar, who was Supervisor at the time of conducting Written Examination. He has categorically stated that it is the Applicant who put her signature on answer-sheet in token of her presence as per usual practice and he too, put his signature on answer-sheet as a Supervisor as seen on Page 54.

8. Though learned Advocate for the Applicant sought to challenge the signature of his client on answer-sheet, it being disputed question of fact about the authenticity of the signature, the Applicant ought to have taken steps to obtain the opinion of hand-writing expert but no such steps have been taken by the Applicant. In fact, it being the issue of disputed question of fact, it cannot be challenged in the Tribunal without getting finding on the issue of disputed question of fact. This issue was also raised by the Tribunal during the course of hearing, but the Applicant did not take any step to seek the opinion of hand-writing expert.

9. As such, in absence of opinion of hand-writing expert, I see no reason to disbelieve the Affidavit of Shri Kamble, Naib-Tahasildar, who was Supervisor at the time of conducting Written Examination and has categorically stated that the signature appearing on answer-sheet is of the Applicant.

10. Furthermore, during the pendency of this application, the process for the appointment of Police Patil has been completed and by order dated 1<sup>st</sup> August, 2016, the Respondent No.4 has been appointed as Police Patil. The Applicant is well aware about the appointment of Respondent No.4 on the post of Police Patil, but did not take any steps to seek declaration in respect of order dated 01.08.2016.

11. Thus, it is obvious that the Applicant had failed in Written Examination, and therefore, she was not called for interview. Only because marks obtained in Written Examination was not displayed on the Notice Board that *ipso facto* cannot be the ground to vitiate the entire process. No other ground is raised to challenge the process. In so far as the aspect of alleged forgery of signature is concerned, as concluded above, the Affidavit of Shri Kamble, Naib-Tahasildar dispel the doubt sought to be created by the Applicant. In fact, such doubt in absence of opinion of hand-writing expert cannot be entertained.

12. The necessary corollary of aforesaid discussion leads me to sum up that the O.A. is devoid of any merit and deserves to be dismissed. Hence, the following order.

**ORDER**

The Original Application is dismissed with no order as to costs.

Sd/-

**(A.P. KURHEKAR)**  
**Member-J**

Mumbai

Date : 20.03.2019

Dictation taken by :

S.K. Wamanse.