

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION NO.373/2016 AND
ORIGINAL APPLICATION NO.183/2016.

1. Sou. Shalini w/o Gunakar Shelokar,
Aged about 35 years,
Occ-Nil,
R/o C/o Shri Gunakar Shelokar,
At & Post Adam, Tq. Kuhi, Distt.Nagpur.
2. Sau. Shaila w/o Khushal Thaukur,
Aged about 28 years,
Occ-Nil,
R/o C/o Shri Khushal Thaukur,
At Navegaon (Devi), Post Adam,
Tq. Kuhi, Distt.Nagpur.
3. Sau.Jyoti w/o Rajesh Uikey,
Aged about 33 years,
Occ-Nil,
R/o C/o Shri Rajesh Bapurao Uikey,
At Thana, Post-Navegaon (Sadhu),
Tq. Umred, Distt.Nagpur.

Applicants

-Versus-

1. State of Maharashtra,
Through its Principal Secretary,
Mantralaya, Mumbai-400 032.
2. The Secretary (Home Deptt.),
Mantralaya, Mumbai-400 032.
3. The Collector,
Nagpur.
4. The Sub-Divisional Officer,
Umred, Distt. Nagpur.

Respondents.

Shri Pratik Sharma, Advocate for the applicants.
Shri A.M. Ghogre, P.O. for the respondents.

CORAM: S.S. Hingne, Member (J)

Date:- 8th August, 2016.

Oral order

With the consent of parties, matter is heard at the admission stage.

2. The applicants had applied for the post of Police Patil of village Adam, Tahsil- Kuhi, District Nagpur. They were not allowed to appear for examination on the ground that they were not holding the immovable property in the village. On filing the O.A., by way of interim relief dated 18.3.2016 the applicants were allowed to appear in the examination and accordingly they appeared in the examination held on 21.3.2016.

3. The respondents have filed reply. Now the process is over.

4. The respondents' stand is that the applicant do not hold the landed property in the village and hence their candidature cannot be considered. The respondents have relied on the G.R. dated 7.9.1999 which runs as under :

^ menokj kpsukos' krh vl .ksvko' ; d vkgR; kl aalkh vko' ; d dlxni =s
I kr t kMko hr **-

5. As against this, the learned counsel for the applicants relied on the provisions of the Maharashtra Village Police Act, 1967 (hereinafter referred to as "Act") and the Maharashtra Village Police Patils (Recruitment, Pay, Allowances & Other Conditions of Service) Order, 1968 (hereinafter referred to as "Order") and on the several judicial verdicts. The relevant provision of section 5 in the Act runs as under-

(5) Appointment, remunerations and other conditions of service of Police Patils

(1) -----

(2) -----

(3) The recruitment, remuneration and other conditions of service of Police Patils shall be such as may, from time to time, be determined by the State Government by special order.

(4) -----

6. Exercising the power under Section 5 (3), the Govt. issued order of 1968. The Rule-3 of the Order specifies the eligibility for appointment of Police Patil which is as under –

“ (3) Eligibility for appointment –

(1) No person shall be eligible for being appointed as a Police Patil, who –

(a) is under twenty-five years or over forty five years of age at the time of appointment;

(b) has not passed VI standard examination in a primary school or who does not possess equivalent or higher educational qualification;

(c) is not a resident of the village of one of the villages in the case of a group of villages for which the appointment is to be made;

(d) is physically unfit to perform the duties of a police patil;

Provided that, the candidate may be required by the competent authority to undergo a medical examination to determine his physical fitness, if deemed necessary;

(e) is adjudged by the competent authority after a summary inquiry to be of bad character, or has, in the opinion of that authority such antecedents as render him unsuitable for employment as Police Patil.

(2) Notwithstanding anything contained in paragraphs (a), (b) and (c) of sub- clause (1), if no candidate, within the age limit mentioned in the said sub clause (a), or possessing the minimum academic qualifications mentioned in the said sub clause (b) or residing in the village or one of the villages in the case of a group of villages for which the appointment is to be made as mentioned in the said sub clause (c), is available, then the competent authority (not being the State Government) may, with the previous approval of the Divisional Commissioner, appoint any suitable candidate in relaxation of the said provision or provisions, as the case may be”.

7. There is no such provision as alleged either in the Act or the Order. Therefore, stipulation of such term in the G.R. dated 07-09-1999 is not legal and valid.

8. The learned counsel for the applicants further relied on the following citations in support of his submission.

- 1) **Mr. ArunT.Patil Vs. State of Maharashtra, 1999 (3) Mh.L.J.,594.**
- 2) **Mr. Niraj J. Kherde Vs. Member, M.A.T., Nagpur, 2002 (3), Mh.L.J.,285.**
- 3) **O.A.No.617/2012, Jahed Beg Z.A. Beg Mirza, Vs. State of Maharashtra decided by this Tribunal on 19-10-2012.**
- 4) **Mr. Rajesh Kale Vs. State of Maharashtra, 2015 (4), Mh.L.J.,799.**

9. In all these decisions it is held that the possession of landed property is not eligibility criteria for the appointment of Police Patil of village. The first decision in **Arun Patil's** case is rendered on 07-09-1999. Coincidentally, the G.R. (R-1,P-36) is issued by the Govt. of Maharashtra on the same day i.e. 07-09-1999. Thus this G.R. was not considered in that case. However, in **Jahed Beg's** case (*cited supra*) and **Rajesh Kale's** case (*cited supra*), the High Court and this Tribunal considered this G.R., and held that the possession of holding of landed property by the candidate is not necessary for appointment of Police Patil. In effect the rejection of the candidature of the applicants on that count is not legal and valid.

10. From the above discussion, it is manifest that the applicants' claim cannot be rejected on the ground of not holding the property in the village. As such, the respondents have to consider the

applicants for the said posts, if otherwise eligible. In effect, the respondents can proceed and complete the selection process by issuing appointment orders to the selected candidate, according to law.

11. In the light of judicial verdicts, the learned CPO to send the copy of this order to the Chief Secretary, Govt. of Maharashtra, Mantralaya, Mumbai for taking necessary steps to regulate the appointment of Police Patils to have an uniformity in the State.

12. Consequently, the O.A. is disposed of with a direction to consider the candidature of the applicants for appointment, if otherwise eligible and fill up the posts by appointing candidate, according to law. C.A. also stands disposed of.

No order as to costs.

(S.S.Hingne)
Member (J)

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