

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH AT NAGPUR

ORIGINAL APPLICATION NO.211/2016.

Pornima w/o Vijendra Dombhare,
Aged about 36 years,
Occ-House wife,
R/o Vansali, Tq. Korpana,
Distt. Chandrapur.

Applicant.

-Versus-

1. State of Maharashtra,
Through its Secretary,
Department of Home,
Mumbai-400 032.
2. The Sub-Divisional Officer,
Rajura, Dist. Chandrapur.
3. Sandhya d/o Vasant Kariya,
Aged about 36 years,
Occ-Asha,
R/o Vansali, Tq. Korpana,
Distt. Chandrapur.
4. The Secretary,
Gram-Panchayat, Vansali,
Tq. Korpana, Distt. Chandrapur.

Respondents.

Shri S.D. Tatke, Advocate for the applicant.
Shri M.I. Khan, P.O. for the respondents 1 and 2.
Shri N.B. Bargat, Advocate for respondent No.3.
None for respondent No.4.

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

Date:- 18th July, 2016.

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Oral order

Heard Shri S.D. Tatke, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents 1 & 2. Shri N.B. Bargat, Advocate for R.3. None for respondent No.4.

2. The applicant challenged the appointment of respondent No.3 on the post of Police Patil of village Vansali.

3. The Sub-Divisional Officer, Rajura (R.2) issued a Proclamation (P.21 Annexure A-2) for appointment to the post of Police Patil for village Vansali, Tehsil Korpana. The applicant and respondent No.3 applied for the said post. The applicant scored 54 marks (P.28 Annexure A-6) and respondent No.3 scored 64 marks. Consequently the respondent No.3 is appointed as Police Patil on 20.11.2015 (P.29 Annexure A-7). The applicant challenged the appointment on the ground that respondent No.3 is not a resident of village Vansali and she has not filed certificate of residence of village Vansali alongwith an application submitted for the post. As per the Proclamation, term No.1 the certificate of residence issued by Gram Sevak is to be attached with the application. Proclamation further mentions that in absence of such certificate, the applicant is to be held not eligible.

4. Applicant's case is that respondent No.3 secured the residence certificate (P.41 Annexure A-15) on 7.12.2015. The cut off

date for submission of application was 20.10.2015 as per Proclamation. Thus, the respondent No.3 has procured residence certificate after date of submitting the application.

5. Respondent No.2 i.e. Sub-Divisional Officer, Rajura has filed reply contending that the application of respondent No.3 was filed alongwith the documents including the residence proof issued by the Gram Sevak. The S.D.O. is the competent authority to decide this aspect. The applicant has merely filed residence certificate (P.41) showing that it is issued on 7.12.2015. However, that does not mean that respondent No.3 has not secured residence certificate earlier alongwith an application. Possibility that the other certificate was attached with the application, can be there. Anyhow fact remains that the stand of respondent No.2 that the application of respondent No.3 was submitted alongwith the proof of residence, which certificate was issued by Gram Sevak, has to be accepted.

6. Moreover, it is also mentioned that the certificate issued by Talathi and Adhar Card were also filed alongwith an application showing that respondent No.3 is the resident of Vansali. Having regard to this glaring material on record, no significance can be attached to the contention raised by the applicant .

S/S

7. In effect, case propounded by the applicant is without any merit. Consequently, the O.A. is rejected with no order as to costs.

sd/-

(S.S.Hingne)
Member (J)