

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.393 OF 2018

DISTRICT : SOLAPUR

Shri Ravindra Pralhad Yelpale)
Age : 32 years, Occu : Agriculture)
R/at Ligadewadi, Tal. Sangola, Dis. Solapur.)...**Applicant**

Versus

1. State of Maharashtra, through)
Secretary, Home Department,)
Mantralaya, Mumbai – 32..)
2. The Collector, Solapur District, Solapur.)
3. Sub-Divisional Magistrate, Mangalvedha,)
SubDivision Mangalvedha, Dist. Solapur.)
4. Tahasildar, Sangola, Tal. Sangola,)
Dist. Solapur.)
5. Gopal Shivaji Jadhav)
Age 32 years, Occ : Business,)
R/at Ligadewadi, Tal. Sangola,)
Dist. Solapur.)...**Respondents**

Shri L. S. Deshmukh holding for Shri S. A. Masal, Advocate for Applicant.

Shri A. J. Chougule, Presenting Officer for Respondents 1 to 4.

Shri A. V. Bandiwadekar, learned Counsel for Respondent No.5.

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 07.01.2020

JUDGMENT

1. The Applicant has challenged the impugned order dated 31.03.2018 whereby the candidature of the Applicant for the post of Police Patil of Village Ligadewadi stands rejected on the ground that

he is not the resident of said village, and therefore, ineligible for appointment.

2. Heard Shri L. S. Deshmukh, learned Counsel for the Applicant, Shri S.D.Dole, learned P.O. for the Respondent Nos.1 to 4 and Shri A. V. Bandiwadekar, learned Counsel for the Applicant No.5.

3. Respondent No.3 – S.D.O. Mangalvedha, Dist. Solapur by advertisement dated 08.11.2017 invited an applications to fill in the post of village Ligadewadi. It may be noted that there is common Gat Grampanchayat for village Nigdedwadi and Village Ajanale. However, as per advertisement, these two villages namely Ligadewadi and Ajanale are two distinct villages. Ajanale is reserved for Schedule Caste candidate whereas, the post at village Ligadewadi was reserved for Open Category. In pursuance of advertisement as well as Clause 3(1)(a) of Maharashtra Village Police Patil (Recruitment, Pay & Allowance and other Conditions of Services) Order, 1968 (hereinafter referred to as 'Order 1968' for brevity), the candidate must be the resident of village for which appointment is being made. In pursuance of advertisement, the Applicant as well as Respondent No.5 participated in the process. The applicant secured highest marks. However, Respondent No.5 lodged complaint that he is not the resident of village Ligadewadi and requested for enquiry. Accordingly, Respondent No.3 conducted an enquiry initially by calling report from the Circle Officer and later also personally visited the village Ligadewadi as well as Ajanale and passed the impugned order with conclusion that the Applicant is not resident of village Ligadewadi. Consequently, he rejected his candidature and appointed Respondent No.5 who was next in merit on the post of Police Patil of village Ligdewadi.

4. Shri L. S. Deshmukh, learned Counsel for the Applicant sought to contend that the findings of S.D.O. that Applicant is not resident of village Ligadewadi is incorrect and tried to emphasize that the Applicant is resident of village Ligadewadi itself.

5. Per contra, learned P.O. for the Respondent Nos.1 to 4 and Shri A. V. Bandiwadekar, learned Counsel for Respondent No.5 pointed out that the documents placed on record as well as the documents referred by S.D.O. in the impugned order clearly spells that the Applicant is not resident of village Ligadewadi, and therefore, impugned order does not suffer from any illegality.

6. As stated above, village Ajanale and village Ligadewadi are two distinct villages. There is common Gat Panchayat for these villagers. However, Police Patil was to be appointed independently for both these villages, and therefore, Applicant was required to establish that he is resident of village Ligadewadi and his residence at village Ajanale will not be of any assistance to him.

7. Insofar as documents relied by the Applicant is concerned, reliance is placed on 7/12 extract of field along with village extract (Namuna No.8) issued by village Gram Panchayat, Ajanale. As per 7/12 extract, the Applicant own agricultural land at village Ligadewadi. True, there is reference in Namuna No.8 that there is one shed in village Gat No.105/4 and the Applicant is shown owner of the said field. However, this extract of Namuna -8 without any evidence is hardly sufficient to establish that Applicant is really residing at village Ligadewadi. Material to note that the Applicant while filing an application for the post of Police Patil has initially claims the post of village Ajanale as seen from page No.46 of Paper Book (PB). Later, it

is erased and over written as Ligadewadi. Furthermore, material to note that while purchasing application form, he has given his address of village Ajanale as seen from page 118 of PB. True, while depositing requisite fee, in receipt his address is shown as Liagdeadi as seen from page No.48 of PB. However, page No.118 date 14.11.2017 is first in time and it does not prevail over receipt dated 24.11.2017 (page No.48).

8. As per requirement in advertisement dated 08.11.2017, the candidate was required to obtain certificate of residence of the concerned village from Talathi or Gram Sevak. However, the Applicant has not obtained certificate from Talathi or Gram Sevak of village Ligadewadi but has obtained certificate from Sarpanch of village Ligadewadi which is at page No.45 of PB. It seems that purposely the certificate from Talathi or Gram Sevak being public servant is required to be obtained so that there should be some authenticity to the certificate. Whereas, the Sarpanch being affiliated to political party, his certificate is purposely excluded from the list of document of resident to be submitted by the candidate while making an application for the post of Police Patil. Suffice to say, no weight can be attached to the certificate issued by Sarpanch. Similarly, character certificate issued by Superintendent of Police does not establish that Applicant is residence of village Ligadewadi as pertains to character only and it cannot be accepted as residence of proof.

9. Now, let us see the impugned order dated 31.03.2018 wherein S.D.O. had elaborately discussed the point in issue. He personally visited village Ligdewadi as well as Ajanale. He found that the Applicant has one house on the boundary of village Ajanale and Ligdewadi. However, his rest of the documents showed his residence as of village Ajanal. He has noted that Applicant's name is recorded in voter list of village Ajanale as well as he also owns house No.1117

of village Ajanale and there is electricity connection in the said house. He has also noted that Applicant has given his address of village Ajanale in his Saving Account with Bank of Maharashtra. Furthermore, the Applicant has gas connection from Trimurti Gas Agency as well as Ration Card wherein also his address is shown as Ajanale. It appears that after complaint made by the Respondent No.5, the Applicant attempted to make changes in Ration Card. The S.D.O. has also noted this aspect in his order. Thus, on perusal of record as well as small inspection, the S.D.O. opined that the Applicant is not resident of village Ligadwadi. His conclusion is base on the documents as well as observations made by him in his personal visit and it being fact finding conclusion, it can hardly be assailed in this O.A. unless there is evidence in rebuttal.

10. On the other hand, the Applicant has not produced any cogent documentary evidence in the form of certificate by Talathi or Gram Sevak of village Ligdewadi or any other cogent material to establish that he is residing at village Ligdewadi. Therefore, the impugned order can hardly be faulted with. I see no illegality in the impugned order.

11. The totality of aforesaid discussion leads me to sum up that challenge to the impugned order is devoid of merit and O.A. deserves to be dismissed. Hence the following order.

ORDER

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

Sd/-

(A.P. KURHEKAR)
Member-J