

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 514 of 2016 (SB)

Sunita W/o Komal Kumeriya,
Aged about 38 years, Occ. Agriculturist,
R/o Panwadi, Post Khamgaon,
Tah. Katol, Distt. Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through Secretary, Revenue & Forest Department,
Mantralaya, Mumbai-32.
- 2) Sub-Divisional Officer,
Katol, Distt. Nagpur.
- 3) Smt. Rajshree W/o Rajendra Murodiya,
Aged about 33 years, Occ. Agriculturist,
R/o Panwadi, Tq. Katol, Distt. Nagpur.

Respondents

S/Shri M.R. Khan, I. H. Quazi, Advocates for the applicant.

Shri H.K. Pande, learned P.O. for respondent nos.1&2.

Shri S.N. Gaikwad, Advocate for respondent no.3.

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGMENT

(Delivered on this 7th day of August,2018)

Heard Shri M.R. Khan, learned counsel for the applicant, Shri H.K. Pande, learned P.O. for respondent nos.1&2 and Shri S.N. Gaikwad, learned counsel for respondent no.3.

2. The applicant has challenged the order of appointment of respondent no.3 for the post of Police Patil of village Panwadi, Tq. Katol, Distt. Nagpur whereby vide order dated 20/06/2016 (Annex-A-1) the respondent no.3 has been appointed on the said post.

3. From the admitted facts on record, it seems that the applicant and respondent no.3 participated in the process of recruitment for the post of Police Patil as aforesaid. The applicant secured 67 marks, whereas, the respondent no.3 secured 74 marks out of 100 marks.

4. According to the applicant, the respondent no.3 suppressed material facts. In fact, she belongs to O.B.C., but she has mentioned her caste as S.C. in the application form. She has also filed false affidavit and it is not known whether her name is Chhaya or Rajshree. In her application, she has not properly mentioned her qualification and even did not attach the certificates about her educational qualification. The applicant, therefore, filed

objection on 20/04/2016, but the same was not considered. The applicant has therefore prayed that the appointment of respondent no.3 be cancelled and in her place she be appointed. The respondent no.2, i.e., the Sub-Divisional Officer (SDO), Katol, Distt. Nagpur admitted the fact that there were some mistakes in the application form and in the application form it was stated by respondent no.3 that she belongs to as "S.C." and her educational qualification was as "SS". However, the respondent no.2 has verified the documents at the time of scrutiny and it was found that the respondent no.3 belongs to OBC and her educational qualification is SSC and therefore after considering the documents, the Hall ticket for the examination in favour respondent no.3 was issued. The mistakes therefore were ignored after verifying the documents and on merit the respondent no.3 was selected. The respondent no.3 also admitted the said mistakes. It is stated that there was inadvertent mistake on the part of respondent no.3 that she mentioned "SS" instead of "SSC" in the column of educational qualification. It is stated that the respondent no.3 and her friend commonly filled up the application and inadvertently mentioned her caste as S.C., but when the said mistake was came to her knowledge, she immediately pointed out

it to the respondent no.2 and had shown documents to the respondent no.2 at the time of scrutiny.

5. From the facts on record, it seems that the Notification was issued on 19/06/2015 calling applications for the post of Police Patil of village Panwadi and the said post was reserved for OBC (female). Though the respondent no.3 has wrongly mentioned her caste as S.C., there is no dispute that she belongs to OBC and the respondent no.2 has verified the documents about her caste before allowing her to appear for the competition. Instead of mentioning educational qualification as "SSC", the respondent no.3 has mentioned as "SS", but the documents on record shows that she has passed SSC examination and the said documents were produced before the respondent no.2 and the respondent no.2 verified the documents. Thus, the fact remains that the mistakes committed by respondent no.3 were ignored by respondent no.2 as the said mistakes might be committed bonafidely. There was absolutely no reason for respondent no.3 to mention wrong caste in the application, so also to mention wrong qualification. Admittedly the post was reserved for OBC (female) and therefore by mentioning the caste as SC, the applicant would not have been benefited. So far as the name of

the respondent no.3 is concerned, the respondent no.3 has filed affidavit and the same was accepted by the SDO and all of the above identity of respondent no.3 is not in dispute. It is material to note that the applicant never objected the candidature of respondent no.3 till 20/04/2016, whereas, the respondent no.3 had already been appointed on the post as per the order dated 20/06/2016. In such circumstances, the objections for the first time at such a late stage should not have been entertained and the same has been rightly rejected by the respondent no.2.

6. Considering all these circumstances on record and even if it is accepted that the respondent no.3 has committed some mistakes while fulfilling her form, the fact remains that the post advertised was reserved for OBC (female) and the respondent no.3 belongs to OBC and is female. The other undisputed fact is that the respondent no.3 has scored 74 marks out of 100, whereas, the applicant has scored 67 marks and therefore on merit also the claim of the respondent no.3 is valid. The respondent no.2 therefore has rightly appointed respondent no.3 for the post of Police Patil and I absolutely find no reason to interfere in the said appointment. The learned counsel for the applicant has placed reliance in the case of **Avtar Singh Vs.**

Union of India & Ors. (2016) 8 SCC,471, wherein it is stated that suppression of relevant information or submission of false information in verification form make in discretion to the employer to take decision to terminate or retain the employee. This case is about non disclosure of criminal prosecution and the facts of the case are not analogous with the present set of facts in this O.A.

7. In view of the discussion in forgoing paras, I do not find any merits in the O.A. Hence, the following order :-

ORDER

The O.A. stands dismissed with no order as to costs.

Dated :- 07/08/2018.

**(J.D. Kulkarni)
Vice-Chairman (J).**

dnk.