

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.526 OF 2018

DISTRICT : SATARA

Smt. Shubhangi B. Shinde.)
Age : 27 Yrs., Indian Inhabitant, residing at)
Post : Taraswadi, Tal. : Khatav, Dist : Satara.)...**Applicant**

Versus

1. Sub-Divisional Officer.)
Maan-Khatav, having office at Dahiwadi,)
Taluka : Dahiwadi, District : Satara.)
2. Smt. Rupali A. Pawar.)
Age : 34 Yrs., Indian Inhabitant, residing)
at LIC Colony No.1, Building No.E-25,)
Room No.C-3E, Kalamboli,)
Navi Mumbai, Tal.: Panvel,)
District : Raigad.)
3. Talathi.)
Village Taraswadi, Tal.: Khatav,)
District : Satara.)
4. Gramsevak.)
Village : Taraswadi, Tal.: Khatav,)
District : Satara.)
5. Smt. Sharda B. Kadam.)
Sarpanch, Village Taraswadi,)
Tal.: Khatav, District : Satara.)...**Respondents**

Mr. D. Mane, Advocate for Applicant.

Mr. A.J. Chougule, Presenting Officer for Respondents 1, 3 & 4.

Mr. S.B. Patil, Advocate for Respondent No.2.

None for Respondent No.5 though served.

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

DATE : **22.04.2019**

JUDGMENT

1. In the present Original Application, the Applicant has challenged the appointment of Respondent No.2 on the post of Police Patil of Village Taraswadi invoking jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

2. Shri D. Mane, learned Advocate for the Applicant submitted that, though the Respondent No.2 – Smt. Rupali A. Pawar is not the resident of Village Taraswadi, she has been appointed on the post of Police Patil by Respondent No.1 – S.D.O, Dahiwadi, District Satara. He contends that the Applicant's complaint supported with documentary evidence showing that the Applicant is the resident of Kalamboli, Tal. Panvel, District Raigad, has not been properly considered by Respondent No.1. He has invited Tribunal's attention to the Advertisement dated 28.11.2017, which stipulates that the candidate must be the resident of concerned Village. He contends that the Respondent No.2 has misled the concerned authorities and falsely secured certain documents to show that she is the resident of Taraswadi though in fact she is residing with her husband at Kalamboli, Navi Mumbai, Tal. Panvel, District Raigad. He has also pointed out that the name of Applicant is also recorded in the Voter list of Kalamboli. Thus, the sum and substance of his contention is that the Respondent No.2 is not the resident of Village Taraswadi, and therefore, her appointment to the post of Police Patil is liable to be set aside.

3. Whereas, the learned P.O. submitted that the complaint made by the Applicant was enquired into by the S.D.O. and having found no substance therein, the same has been rejected. He has also pointed out that the

documents i.e. Voter ID, Ration Card, Voter List of Taraswadi coupled with Certificate issued by Talathi and Gram Panchayat Taraswadi reveals that the Applicant is the resident of Taraswadi, and therefore, the order of appointment of Respondent No.2 on the post of Police Patil cannot be faulted with.

4. Shri S.B. Patil, learned Advocate for Respondent No.2 adopted the submission advanced by the learned P.O.

5. The issue involved is whether the impugned order dated 29.12.2017 rejecting complaint made by the Applicant needs interference by this Tribunal and the answer is in negative.

6. True, as per Advertisement published by Respondent No.1, the candidate must be the resident of concerned Village as one of the eligibility criteria for the appointment to the post of Police Patil. Accordingly, the Respondent No.2 submitted an application for appointment to the post of Police Patil, wherein she has given her address of Taraswadi. Here material to note that her parental home as well as matrimonial home both are of Village Taraswadi. At the time of filling of application for the post of Police Patil, she had produced Certificate issued by Talathi on 22.11.2017 (Page No.46 of Paper Book), Certificate of Residence issued by Gram Sewak, Gram Panchayat Taraswadi (Page No.48 of P.B.), a copy of Voter ID showing her residence of Taraswadi (Page No.69 of P.B.), copy of Ration Card (Page No.70 of P.B.) and Voter List of Village Taraswadi (Page No.71 of P.B.). In all these documents, the Applicant is shown resident of Village Taraswadi. The Respondent No.1 on the basis of these documents accepted her nomination and she having found secured highest marks was appointed to the post of Police Patil.

7. Whereas, the Applicant sought to place reliance on the copy of Voter List wherein the Respondent No.2 is shown voter from Kalamboli, Tal. : Panvel, District Raigad (Page No.71 of P.B.), the copy of Aadhaar Card (Page No.95 of

P.B.), LPG Consumer Sheet showing the address of her husband of Kalamboli (Page No.96 of P.B.).

8. On the basis of these documents, the learned Advocate for the Applicant sought to contend that the Respondent No.2 is the resident of Kalamboli and not Taraswadi. On this line of submission, he submitted that the rejection of complaint made by his client suffers from material illegality, as the Respondent No.1 has failed to appreciate that the Respondent No.2 is in fact the resident of Kalamboli and not Taraswadi.

9. True, as per the documents pointed out by the learned Advocate for the Applicant, the name of Respondent No.2 is recorded in Voter List of Kalamboli and she had also availed Aadhaar Card by giving address as Kalamboli. Admittedly, her husband resides at Kalamboli. The Respondent No.2 further contends that her husband with children resides at Kalamboli, but she is residing at her matrimonial home in Taraswadi along with father in law.

10. The learned Advocate for the Applicant referred to the provisions of Maharashtra Village Police Act, 1967, particularly, Section 6 of the Act to highlight the duties and functions of Police Patil. There could be no dispute that Police Patil should be the resident of the said Village, so as to discharge his duties imposed upon him.

11. Now, turning to the aspect of the residence, only because the address of the Applicant in Aadhaar Card is shown of Kalamboli and that itself cannot be the ground to jump-up to the conclusion that she is not the resident of Taraswadi, in view of explanation that her husband is staying at Kalamboli, and therefore, the said address was mentioned in Aadhaar Card. As against this, the Respondent No.2 has produced Voter ID Card, Ration Card, Voter List, Certificate issued by Talathi as well as Certificate issued by Gram Panchayat Taraswadi, which shows

that she is the resident of Taraswadi. Her name is figured as a member of the family in Ration Card of Taraswadi. True, the name of Respondent No.2 is also figured in the Voter List of Kalamboli. However, that aspect itself cannot outweigh the documentary evidence produced by Respondent No.2 showing her residence of Taraswadi. The Respondent No.2 has explained that her husband resides in rented house in Kalamboli along with children, and therefore, she had given the said address in Aadhaar Card. As her husband is admittedly residing at Kalamboli, the name of Respondent No.2 also appears enrolled in Voter List of Kalamboli. The Applicant has not produced any other documents in the form of Affidavits of Villages, etc. in support of his case. On the other hand, the Respondent No.2 has produced the Certificates issued by Talathi and Gram Sevak, who have first-hand information about the residence of Applicant, which are corroborated by Ration Card, Voter List, Voter I.D. Card.

12. The perusal of impugned order dated 29.12.2017 reveals that the Applicant was given an opportunity of hearing by S.D.O. and he concluded that, in view of documents submitted by Respondent No.2, she is the resident of Village Taraswadi and consequently, rejected the objection lodged by the Applicant. Thus, the decision of Respondent No.1 is based upon the documents produced by Respondent No.2 adverted to above showing her resident of Taraswadi and cannot be termed perverse, so as to interfere with. Once the said Authority found satisfied and it is based on documents produced before him, such decision cannot be faulted with unless Applicant make out a very strong case. However, no such case is made out to discard the documents produced by Respondent No.2.

13. In view of above, I find no merit in the O.A. challenging the impugned order dated 29.12.2017 and O.A. deserved to be dismissed. Hence, the following order.

ORDER

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

Sd/-
(A.P. KURHEKAR)
Member-J

Mumbai

Date : 22.04.2019

Dictation taken by :

S.K. Wamanse.

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