

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH, NAGPUR**

**ORIGINAL APPLICATION NOS 55, 56, 57, 58, 59 &
60/2009**

ORIGINAL APPLICATION No. 55 of 2009

Vinod S/o Manoharao Sonare,
Aged about 43 years,
Occ.-Agriculturist,
R/o Gadegaon, Tah. Warud,
District :- Amaravati.

Applicant.

Versus

- 1) The State of Maharashtra,
Through the Secretary,
Department of Home,
Mantralaya, Mumbai-32.
- 2) The Commissioner,
Amravati Division, Amaravati.
- 3) Sub Divisional, Officer,
Morshi, Dist. Amaravati.

Respondents

None for the applicant.

Smt M.A Barabde, Id. P.O. for the respondent no. 1.

None for R-2 & 3.

WITH

ORIGINAL APPLICATION No. 56 of 2009

Rajabhau S/o Raghunathji Gudhadhe,
Aged about 36 years, Occ.-Agriculturist,
R/o Amdapur, Tah. Warud,
District :- Amaravati.

Applicant.**Versus**

- 1) The State of Maharashtra,
Through the Secretary,
Department of Home,
Mantralaya, Mumbai-32.
- 2) The Commissioner,
Amravati Division, Amaravati.
- 3) Sub Divisional, Officer,
Morshi, Dist. Amaravati.

Respondents

None for the applicant.

Shri A.P Potnis, Id. P.O. for the respondent no. 1.

None for R-2 & 3.

WITH**ORIGINAL APPLICATION No. 57 of 2009**

Mahendra S/o Damodhar Ghormade,
Aged about 35 years, Occ.-Agriculturist,
R/o Dhaga, Tah. Warud,
District :- Amaravati.

Applicant.**Versus**

- 1) The State of Maharashtra,
Through the Secretary,
Department of Home,
Mantralaya, Mumbai-32.

2) The Commissioner,
Amravati Division, Amaravati.

3) Sub Divisional, Officer,
Morshi, Dist. Amaravati.

Respondents

None for the applicant.

Shri H.K Pande, Id. P.O. for the respondents no. 1.

None for R-2 & 3.

WITH

ORIGINAL APPLICATION No. 58 of 2009

Dinesh S/o Shankarrao Bahurupi,
Aged about 29 years, Occ.-Agriculturist,
R/o Karajgaon, Tah. Warud,
District :- Amaravati.

Applicant.

Versus

1) The State of Maharashtra,
Through the Secretary,
Department of Home,
Mantralaya, Mumbai-32.

2) The Commissioner,
Amravati Division, Amaravati.

3) Sub Divisional, Officer,
Morshi, Dist. Amaravati.

Respondents

None for the applicant.

Shri V.A Kulkarni, Id. P.O. for the respondents no. 1.

None for R-2 & 3.

WITH

ORIGINAL APPLICATION No. 59 of 2009

Amar S/o Gunawantrao Thakre,
Aged about 31 years, Occ.-Agriculturist,
R/o Haturna, Tah. Warud,
District :- Amaravati.

Applicant.**Versus**

- 1) The State of Maharashtra,
Through the Secretary,
Department of Home,
Mantralaya, Mumbai-32.
- 2) The Commissioner,
Amravati Division, Amaravati.
- 3) Sub Divisional, Officer,
Morshi, Dist. Amaravati.

Respondents

None for the applicant.

Shri A.P Potnis, Id. P.O. for the respondents no. 1.

None for R-2 & 3.

WITH**ORIGINAL APPLICATION No. 60 of 2009**

Manoj S/o Ramdasji Kalmegh,
Aged about 31 years, Occ.-Agriculturist,
R/o Mangruli, Tah. Warud,
District :- Amaravati.

Applicant.**Versus**

- 1) The State of Maharashtra,
Through the Secretary,

Department of Home,
Mantralaya, Mumbai-32.

2) The Commissioner,
Amravati Division, Amaravati.

3) Sub Divisional, Officer,
Morshi, Dist. Amaravat

Respondents

None for the applicant.

Shri Shrikant Deo, Id. C.P.O. for the respondents no. 1.

None for R-2 & 3.

CORAM : Shri Rajiv Agarwal (Vice-Chairman) (A)

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

DATE : 07.07.2017

PER : Shri Rajiv Agarwal (Vice-Chairman)

ORDER

1. None for the Applicants. Heard Smt M.A Barabde, learned P.O for Respondent no. 1 in O.A 55/2009, Shri A.P Potnis, learned P.O for Respondent no. 1 in O.A nos 56 & 59/2009, Shri H.K Pande, learned P.O in O.A no 57/2009, Shri V.A Kulkarni, learned P.O in O.A no 58/2009 and Shri Shrikant Deo, learned C.P.O in O.A no 60/2009. None for Respondents no 2 & 3 in all the Original Applications.

2. These Original Applications were heard together as the Applicants have challenged G.R dated 16.10.2008 issued by the Respondent no.1, providing for vertical and horizontal reservation for the post of Police Patil and also challenge the proclamation issued by Respondent no. 3 on 14.1.2008 for selection of 52 Police Patils in the Morshi Sub Division of Amravati District.

3. The posts of Police Patil inter alia were reserved as follows in the villages where the Applicants reside:

Sr No	Particulars	Sub Division	Category
1.	O.A 55/2009	Ghadegaon, Tahsil-Warud	VJ-A
2.	O.A 56/2009	Amdapur, Tahsil-Warud	NT-B
3.	O.A 57/2009	Dhaga, Tahsil-Warud	VJ-A
4.	O.A 58/2009	Karajgaon, Tahsil-Warud	NT-C
5.	O.A 59/2009	Haturna, Tahsil-Warud	NT-C
6.	O.A 60/2009	Mangruli, Tahsil-Warud	Open

4. The Applicants in their pleadings which are more or less on the same lines, have sought the following reliefs:-

"10 (a) set aside the impugned decision/G.R dated 16.10.2008 issued by the respondent no. 1 as bad in law and against the guidelines of the Hon.

Supreme Court and High Court,
Annexure A-1.

(b) direct the respondents to reconstruct the post of reservation in the village of applicant and consequently entire revenue sub-division of Morshi by setting aside the proclamation/advertisement dated 14.1.2008 issued by the respondent no. 3."

4. It can be seen that the Applicants are challenging the very G.R which provides for reservation for appointment to the post of Police Patil in a sub division. If the G.R is held to be invalid the proclamation issued by Respondent no. 3 on 14.1.2009 will automatically become void.

5. The Respondent no. 1 had issued G.R dated 16.10.2008 providing for 52% of the post in every sub division of a District will be reserved for backward class category as per Notification dated 29.1.2004 issued by G.A.D. The reservation for various posts in Maharashtra is prescribed as follows:-

"S.C-13%,
S.T-7%,
DTNT-11%,
OBC-19%

SBC-2% (making a total of 52%).

6. For the post of Police Patil reservation is to be made in each sub division, depending upon the total posts. 30% posts are further reserved horizontally for women. This reservation is compartmentalized. The G.R also provides for methodology as to how the reservation for different backward class category will be worked out village wise. For a particular backward class category, the post will be reserved for a backward category which has the highest percentage of that category people in that particular village.

7. The claim of the Applicants is that Respondent no. 3, i.e. S.D.O, Morshi issued proclamation for filling up 52 vacant posts of Police Patil in Morshi sub-division, without considering the percentage of backward class people in a backward class category before reserving the post for that category. To give an example, post in Ghadegaon village is reserved for VJ-A category, but it is claimed that there are other villages in Morshi sub division which have higher percentage of VJ-A category population and the post should not have been reserved for VJ-A category from village Ghadegaon. It is also claimed that G.R dated 16.10.2008 does not conform to the judgment of Hon. High Court dated 25.6.2007 in W.P nos 4175/2007 and 4202/2007. The Applicants have therefore, prayed in these O.As that the G.R dated

16.10.2008 should be quashed and set aside as the reservation has not been provided as per guidelines issued by the Hon. High Court in the aforesaid judgment.

8. Learned Presenting Officer (P.O) argued on behalf of the Respondents that this G.R dated 16.10.2008 provides for 52% of reservation of the post of Police Patil in a sub division on the same lines as various posts are reserved in the State Government. Hon'ble High Court by judgment dated 25.6.2007 in W.P Nos 4175/2007 & 4202/2007 directed the State Government to decide the method for reservation of seats for backward classes. G.R dated 16.10.2008 provides for application of 100 point roster in terms of G.R dated 18.10.1997, which was issued pursuant to the judgment of Hon'ble Supreme Court in **R.K SABHARWAL & ORS Vs. STATE OF PUNJAB & ORS, AIR 1995 S.C 1371**. Percentage of reservation has been fixed in terms of notification of G.A.D dated 19.1.2004 and there appears to be no dispute about the same. The only dispute appears to be about the method of reservation of post of Police Patil in a particular village for a particular backward class category. The G.R itself provides the method as follows:-

"iR; d i dxk rhy i nsvkjf{kr dj.; kl kBh R; k i dxk rhy kd l d ; ph VD d d k j h gh T; k
xkokr l okr tklr v l sy R; k xkoki kl w l wokr d#u mrjR; k dækus R; k

ಇದಕ್ಕೆ ಕಛಿ ಒಜಿಹಿ ವಢಿ/ಕಿ ಪುಠಿ ಉಢಿ ದಿ.; ಕಿ ಲಕಿ; ಕಿ ವಡಿಢಿ, ಒಢಿ ಇನಿ ಲಿಗಿ; ಠಿ
 ಠಿ; ಕಿ ಇದಕ್ಕೆ ಕಛಿ ಲಕಿ ಒಜಿಹಿ-**

9. We do not find anything wrong with the method of reservation and the aforesaid G.R dated 16.10.2008 which appears to be quite reasonable. As there is no problem about the application of 100 point roster, provision of vertical reservation of 52% of total posts in a sub-division, 30% horizontal reservation for women, the challenge to the G.R dated 16.10.2008 must fail.

10. Coming to the proclamation issued by Respondent no. 3 on 14.1.2009, to fill up 52 posts of Police Patil in Morshi sub division, we find that a total of 24 posts were reserved and 28 posts were unreserved. The Applicants have failed to give any details as to why the reservation provided in their villages as given in para 3 was not in accordance with the G.R dated 16.10.2008. Respondent no. 3 in the affidavit in reply dated 23.2.2009 has stated that there is no substance in the statement of the Applicants that population of a particular reserved category people is more in some other village than in which the post of Police Patil was reserved for that category. The Applicant himself has annexed the percentage of population of various castes in 52 villages for which the appointment to the post of Police Patil was to be made. To give one example, for village Ghadegaon,

the total population was reported to be 1750, out of which 555 was from DTNT category, which comes to 31.79%. 210 persons were from VJ-A category. The Applicants have not been able to point out any instance which would indicate that the reservation was made in violation of G.R dated 16.10.2008.

11. Having regard to the aforesaid facts and circumstances of the case, these Original Applications are dismissed with no order as to costs.

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

(Rajiv Agarwal)
Vice-Chairman (A)

Place : Nagpur
Date : 07.07.2017
Dictation taken by : A.K. Nair.