

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 655/2015

Sau Vandana Ishwarsingh Ingle,
Aged about 28 years,
R/o at Nandri, PO : Kalegaon, Tah. Khamgaon,
Distt. Buldhana.

-----**Applicant.**

Versus

1. The State of Maharashtra,
Through its Secretary,
Ministry of Home Deptt. Mantralaya,
Mumbai.
2. The Sub-Divisional Magistrate,
Khamgaon, Tah. Khamgaon,
Distt. Buldhana.
3. Sharmila Panjab Kolpe,
R/o at Nandri, Post: Kalegaon,
Tah. Khamgaon, Distt. Buldhana. ----- **Respondents.**

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1. Shri S.N. Gaikwad, Advocate for the applicant.
 2. Smt. S.V. Kolhe, Presenting Officer for the Respondents
1 and 2.
 3. Smt. B. Dabhadkar, Id. Counsel for R/3.
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CORAM : B. Majumdar : Vice Chairman
DATE : 26th April, 2016

ORDER

The applicant had applied for the post of Police Patil of village Nandri, Tah. Khamgaon, Distt. Buldhana. As she was not appointed she has filed this O.A. challenging the appointment of R/3 to the post.

Pam? 2. The Sub-Divisional Magistrate (SDM)(R/2) on 19/8/2015 issued a proclamation for filling up the posts of Police Patil in various villages including Nandri. The applicant as well as Sharmila Panjab Kolpe (R/3) applied for the post. On 31/8/2015 the applicant submitted a complaint before R/2 that R/3 is an active member of the National Congress Party (NCP) and a member of Gram Panchayat, Nandri. Hence her affidavit filed with her application was false. She has thus violated the conditions of the recruitment for the post and her application deserves to be rejected.

3. R/2 in his affidavit-in-reply submits that she had heard the applicant and R/3 on 2/9/2015 and had rejected the complaint on the ground that R/3 had formally tendered her resignation before the Sarpanch of village Nandri. On

5/10/2015 R/2 issued the order appointing R/3 as a Police Patil of village Nandri. The applicant has challenged this order in the O.A.

4. The applicant submits that as per condition no. 10 of the proclamation a candidate cannot be a member of any political party. As R/3 is a Member of the Gram Panchayat Nandri, she has violated the above condition. She relies on the affidavit dtd. ¹⁹12/8/2015 filed by R/3 before the Tahsildar, Khamgaon (page 32 of PB) declaring that she is not connected with any political party. The Secretary, Gram Panchayat, Nandri on 26/8/2015 (page 45 of PB) issued a certificate in response to an application by Shri Ishwarsingh Madhukar Ingle that he had not received any resignation of R/3 as a Member of the Gram Panchayat till date. She also relies on the certificate dtd. 31/8/2015 (Annexure-A-5) of the Secretary of the Gram Panchayat which contains a list of various members of the Gram Panchayat, Nandri. The name of R/3 is at Sr. No. 7.

5. The SDM, Khamgaon(R/2) in his affidavit-in-reply submits as follows :-

- a) R/3 submitted her resignation as a Member, Gram Panchayat, Nandri on 14/8/2015 and hence when she had submitted her application form on 25/8/2015, she was no longer holding the post.
- (b) The Gram Panchayat in its meeting held on 31/8/2015 accepted the applicant's resignation as per its resolution no. 5.
- (c) In response to the applicant's complaint/objection dtd. 31/8/2015 against R/3, R/2 had called both the applicant and R/3 to be present before him on 2/9/2015 with relevant documents for hearing. After hearing both the sides and after scrutiny of the documents filed by them, R/2 came to the conclusion that R/3 had resigned as a member, Gram Panchayat, Nandri on 14/8/2015 and hence the objections raised by the applicant were rejected.



6. R/3, Smt. Sharmila Panjab Kolpe in her reply submits that she had filed her resignation letter on 14/8/2015 and hence the letter dtd. 31/8/2015 issued by the Secretary of Gram Panchayat, Nandri is irrelevant. She did not violate any of the conditions in the proclamation while applying for the post and the allegations/complaint of the applicant in respect of her candidature are without any substance.

7. Shri S.N. Gaikwad, Id. Counsel for the applicant mainly reiterated the submissions made by the applicant. He especially relied on the affidavit of R/3 dtd. 12/8/2015 stating therein that she was not an active member of any political party, whereas, she had submitted her resignation as a Member, Gram Panchayat, Nandri, subsequently, i.e. on 14/8/2015.

8. Smt. S.V. Kolhe, Id. P.O. reiterated the submissions made by R/2 in his affidavit-in-reply.

9. I find that the relevant issue in the present case is whether R/3 was holding the membership of the Gram



Panchayat, Nandri when she had applied for the post of Police Patil. Undisputedly she had tendered her resignation as a Member, Gram Panchayat, Nandri on 14/8/2015 and the same was accepted by the Gram Panchayat vide its resolution dtd. 31/8/2015. R/3 applied for the post of Police Patil on 24/8/2015. Thus she had applied after tendering her resignation and the same was accepted before she was appointed. In her affidavit dtd. 19/8/2015 before the Tahsildr, Khamgaon, she had stated that she is not a member of any political party. She had executed this affidavit after submitting her resignation on 14/8/2015. Hence it cannot be said that her application was violative of condition no. 10 of the proclamation. Thus I find that R/2 has committed no irregularity in appointing R/3 as a Police Patil of village Nandri. The O.A. stands rejected with no order as to costs.

sd/-

(B. Majumdar)
Vice-Chairman.

Skt.