

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 670/2015

Prashant Ramrao Gulhane,
Aged about 34 years,
R/o Jawala, (Dhotra), Tq. Chandur Railway,
Distt. Amravati.

-----**Applicant.**

Versus

1. The State of Maharashtra,
Through its Secretary,
Ministry of Home Deptt. Mantralaya,
Mumbai.
2. The Sub-Divisional Magistrate,
Chandur Railway, Distt. Amravati.
3. Pankaj Krushnarao Jagtap,
R/o Jawala Dhotra, Tq. Chandur Railway,
Distt. Amravati.
4. Rahul Krushnarao Jagtap,
R/o Jawala Dhotra, Tq. Chandur Railway,
Distt. Amravati.

----- **Respondents.**

-
1. Shri P. Singh, Adv. holding for Shri V.K. Gulhane, Advocate for the applicant.
 2. Smt. S.V. Kolhe, Presenting Officer for the Respondents 1 and 2.
 3. Shri R.B. Dhore, Id. Counsel for R/3 . None for R/4.

CORAM : B. Majumdar : Vice Chairman

DATE : 27th April, 2016

ORDER

The applicant has filed this O.A. as he is aggrieved that he has not been selected for the post of Police Patil for village Jawala (Dhotra), Tq. Chandur Railway, Distt. Amravati.

2. The Sub-Divisional Magistrate, Chandur Railway (R/2) on 24/8/2015 issued a proclamation for the post of Police Patil for village Jawala. The applicant as well as R/3, Pankaj Krushnarao Jagtap, and R/4, Rahul Krushnarao Jagtap applied in response to it. In the aggregate of written test and interview the applicant, R/3 and R/4 scored equally, i.e., 62 marks each. The break-up of the marks is as follows :-

	Written Test	Interview	Total
a) Applicant	47	15	62
b) R/3	46	16	62
c) R/4	44	18	62

3. On 17/10/2015 R/2 selected R/3, Pankaj Krushnarao Jagtap, for the post.

4. The applicant submits that he had scored higher than R/3 and R/4 in the written test and hence he could not have been given lower marks in interview. The above respondents have higher educational qualifications which would have made them suitable for much better jobs than that of Police Patil. These factors have not been considered by R/2 while granting weightage to R/3 for selection. He further submits that R/3 and R/4 are already in service and are unlikely to be interested in the post of Police Patil, whereas, the applicant is unemployed. He is older to these respondents and also deserves to be given an additional 1 mark for holding an ITI diploma which would have placed him in merit higher to these respondents. He finally states that R/2 was influenced by MLA Shri Virendra Jagtap in giving more marks to R/3 and R/4.



5. R/2, Sub-Divisional Magistrate, Chandur Railway in his affidavit-in-reply submits that R/3 possesses M.Com, M.A. (Economics) and B. Ed degrees and he is also older in age compare to the applicant. The applicant is holding a B.A. degree with ITI diploma. Hence as he and the applicant has scored equal, i.e., 62 marks, he was granted preference for selection due to his higher qualifications ~~and~~ in terms of the G.R. dtd. 22/8/2014. As regards the applicant's allegation that R/3 is serving as ^a Part Time Teacher, R/2 submits that as per the certificate dtd. 29/10/2015 issued by Shri Bendoji Baba Secondary and Higher Secondary School, Ghuikhed and as per the certificate dtd. 2/11/2015 issued by the Secondary School and Khandero Deshmukh Higher Secondary School, Rajura, R/3 has not been working in these institutes during 2015-16. Thus the applicant's allegation is baseless. He further submits that the interview committee, constituted as per the G.R. dtd. 22/8/2014 comprised 5 members, i.e., SDM, SDPO, Social Officer, Tribal Project Officer and Tahsildar of the concerned Tahsil and the Committee had allotted the

marks as per the norms prescribed. Thus, according to the respondent, the selection process was conducted on an objective basis and as per Govt. policy.

6. R/3 in his reply submits that there is no substance in the applicant's averment that for granting him preference vis-à-vis R/3 and R/4 and also the allegations made against him by the applicant have also been proved to be baseless.

7. No reply has been filed on behalf of R/4 and none was present to represent him.


8. Shri P. Singh, Id. Advocate holding for Shri V.K. Gulhane, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for R/1 and 2 as well as Shri R.B. Dhore, Id. Counsel for R/3 reiterated the submissions made by the respective parties.

9. I find that it is undisputed that the applicant, R/3 and R/4 had scored equal marks in the aggregate of written and oral tests. Hence the question of granting preference among these equal scorers comes into play. The G.R. dtd. 22/8/2014 which contains the guidelines for recruitment of

Police Patils, vide para 5 enumerates the factors to be considered in a hierarchical sequence for deciding the selection of candidates who have scored equally. These are as follows :-

- 1) Heir of Police Patils; then
- 2) Higher education qualifications held by the candidate as on the last date of receiving application; then,
- 3) Ex-serviceman; and then,
- 4) Senior in age

10. In case of the applicant, R/3 and R/4 none is a heir of Police Patil. Hence the next factor to be considered is educational qualifications. I find that as per record (page 43 of the PB) the applicant is a B.A. with a diploma from ITI. R/3 holds degrees of M.Com, M.A.(Economics) and B. Ed and R/4 holds M.Sc. and B.Sc. degrees in Agriculture. Thus on the basis of educational qualification, R/3 scores over the applicant for grant of preference.



11. R/2 has relied on the G.R. dtd.22/8/2014 (Annexure-R/1) which states that there will be a written test of 80 marks and interview of 20 marks for recruiting Police Patils. It further states that there will be an interview panel under the chairmanship of the SDM and it will comprise SDPO, Social Welfare Officer, Tribal Project Officer and Tahsildar of the concerned Tahsil, who will be the Member Secretary. The G.R. thus does not state as to what the structure of the interview should be. Presumably it is left to the concerned Committee to set its own norms. I find that the marks allotted for interview are as follows :-

For educational qualification : 10th class and equivalent – 5 marks, 10 marks for 80% marks and above, going down to 6 marks for 40% to 50% 4 marks are allotted for 12th standard or a Govt. diploma, 2 marks for passing of graduate level examination, 1 mark each for MS-CIT, CCC, 1 mark for Typing, 1 mark for MCC/NCC/NSS participation certificate.

1 mark is allotted for introduction and general knowledge.

12. From the interview-sheet of the applicant, I find that as a graduate he has been given a total of 13 marks, 1 mark for MSCIT and 1 mark (full mark) for answering questions. In respect of R/3 I find that he has also received 13 marks for being a graduate , i.e., his post graduate qualification did not qualify him for extra mark in the interview. He has also been given 1 mark for MSCIT, 1 for Typing and 1 mark (full mark) for answering questions. Thus R/3, while not getting extra marks for his post graduate qualification, i.e., M.Com, M.A.(Economics) in terms of the G.R. dtd. 22/8/2014 he qualified for preference over the applicant, who did not have post graduate qualification.

13. Thus the applicant, R/3 and R/4 having scored equally the preference given to R/3 for is in conformity with Clause 5 of the G.R. I find no merit in the applicant's



avermment that R/3 is over qualified for the post of Police Patil as no upper limit of academic qualification is provided in the above G.R. and R/3's qualification cannot preclude him for applying for the post of Police Patil. As regards the applicant's averment that R/3 is already working as a Part Time Teacher, from the certificates dtd. 29/10/2015 and 2/11/2015 from the concerned Junior Colleges, to which I have referred earlier, it is clear that R/3 did not work in any of these institutions when he had applied for the post of Police Patil. Thus I find that R/3 has been rightly selected on the basis of his higher educational qualifications for the post of Police Patil. The O.A. is without any merit and stands rejected with no order as to costs.

sd/-

(B. Majumdar)
Vice-Chairman.

Skt.