

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR**

**ORIGINAL APPLICATION NO.742/2015.** (S.B.)

Sandhya w/o Yuvraj Meshram,  
Aged about 26 years,  
Occ-Housewife,  
R/o at Jamthi (K), Post-Wilegaon,  
Tehsil-Karanja, Distt. Washim.

**Applicant.**

**-Versus-**

- 1) The State of Maharashtra,  
Through its Secretary,  
Department of Home,  
Mantralaya, Mumbai-400 032.
- 2) The Sub-Divisional Officer,  
Karanja, Distt. Washim.
- 3) Saraswati w/o Eknath Kapsikar,  
Aged about 38 years,  
Occ-Housewife,  
R/o at Jamthi (K), Post-Wilegaon,  
Tehsil-Karanja, Distt. Washim.

**Respondents**

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Shri D.R. Rupnarayan, the learned counsel for the applicant.  
Shri A.P. Potnis, the learned P.O. for the respondents 1 and 2.  
None for respondent No.3.

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

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**JUDGMENT**

(Delivered on this 25<sup>th</sup> day of January 2019.)

Heard Shri D.R. Rupnarayan, the learned counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents 1 & 2. None for respondent No.3.

2. The applicant is claiming that the appointment order of respondent No.3 dated 31.8.2015 on the post of Police Patil of village Jamthi (K) issued by respondent No.2 i.e. the Sub-Divisional Officer, Karanja, District Washim, be quashed and set aside. The applicant and the respondent No.3, in consequence of advertisement issued by respondent No.2 applied for the post of Police Patil. The applicant obtained 39 marks out of 80 in written examination and 3 marks out of 20 in oral, thus totalling to 42 marks, whereas the respondent No.3 got 36 marks out of 80 in written examination and 7 marks out of 20 in oral, thus totalling to 43 marks. The applicant is daughter-in-law of Police Patil and still 2 additional marks were not given to the applicant or else the applicant would have been selected on getting 44 marks. The learned counsel for the applicant submits that the respondent No.3 was politically afflicted and as per rules, a candidate shall not be related to any political party. It is stated that at the time of appointment, the respondent

No.3 was a Member of Gram Panchayat and, therefore, she should have been appointed.

3. The respondent No.2 denied the allegations and submitted that the respondent No.3 is not having any relations with any political party and she was selected on merit. It is true that she was a Member of the Gram Panchayat, but has tendered the resignation of the said post on 31.8.2015 itself. However, the resignation was accepted on 4.10.2015.

4. The learned counsel for the applicant submits that the respondent No.3 has submitted an affidavit stating that she is not a Member of any political party or was having connection with any political party and the affidavit is at page No.36. However, she was a Member of Gram Panchayat. It is material to note that, the respondent No.3 has been appointed as Police Patil and prior to that, select list was published on 3.5.2015. But the applicant did not take any objection for her selection or appointment and all of a sudden, she has filed this O.A. Admittedly, the respondent No.3 is meritorious than the applicant, since the respondent No.3 has obtained more marks than the applicant. The only objection, therefore, remains as to whether the respondent No.3 was barred

from seeking appointment as Police Patil under the Recruitment Rules.

5. The learned P.O. has placed on record the Recruitment Rules known as, "Maharashtra Village Police Patils (Recruitment, Pay, Allowances and Other Conditions of Service) Order, 1968. The clause regarding eligibility for appointment is Clause 3. Perusal of the said clause, nowhere states that having elected as a Member of Gram Panchayat, was a disqualification. From the reply affidavit, it is clear that even otherwise, the respondent No.3 has already resigned from the post of Member of Gram Panchayat and her resignation has been accepted. She has resigned prior to getting appointment order, though her resignation has been accepted subsequently. The respondent No.3 is now serving as Police Patil for last more than three years and, therefore, there is absolutely no reason to quash that order, since otherwise, the respondent No.3 is appointed on merit. The applicant could not demonstrate any law or rule whereby she can get more marks than the applicant, as stated in the O.A. Considering all these aspects of the case, I am satisfied that there is no merit in this O.A. Hence, the following order:-

**ORDER**

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

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

Dt. 25.1.2019.  
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