

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.869 OF 2019**

**DISTRICT : Satara**

Shri Tukaram B. Kokare )  
Age : 45 years, Occ : Agriculture, )  
R/at Palasavade, Post : Bangar, )  
Tal/Dist Satara. )...**Applicant**

**Versus**

1. The State of Maharashtra, through )  
The Secretary, Revenue Department, )  
Mantralaya, Mumbai 400 032. )
2. The District Collector, Satara, near LIC )  
Building, Powai Naka, Satara – 415 001. )
3. The Sub Divisional Officer, Satara Sub )  
Division, Satara Tehsil Office Compound )  
Powai Naka, Satara – 415 001. )...**Respondents**

**Shri U. V. Bhosale, Advocate for Applicant.**

**Shri A. J. Chougule, Presenting Officer for Respondents.**

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

**DATE : 06.12.2019.**

**JUDGMENT**

1. Issue posed for consideration in the present O.A. is whether the impugned order dated 01.07.2019 passed by the Respondent No.3 i.e. Sub Divisional Officer, Satara declaring the Applicant ineligible for appointment to the post of Police Patil of Village Palsavade, Tal. Dist. Satara is unsustainable in law.

2. The Applicant is the resident of village Palasavade, Tal/Dist Satara and in pursuance of the advertisement issued by the

S.D.O.Satara, participated in the process to fill in the post of Police Patil of village Palasavade. On completion of the process, Respondent No.3 declared the result on 21.12.2017 and the name of the Applicant was included in select list. However, thereafter villagers and Sarpanch of village Palasavade made various complaints against the Applicant alleging that he is of bad character facing Criminal Case, and therefore, not suitable and eligible for the appointment. Ultimately, the Respondent No.3 S.D.O. Satara by order dated 01.07.2019 declared the Applicant ineligible and unsuitable for the post of Police Patil on the ground that there are five NC Cases registered against him and one more private complainant's case is subjudice before learned Judicial Magistrate First Class, Satara vide Criminal Case No.142/2019. He opined that in terms of Clause 3(e) of Maharashtra Village Police Patils (Recruitment, Pay, Allowances and Other Conditions of Service) Order,1968 (hereinafter referred to as Recruitment Order 1968 for brevity) applicant's antecedents render him unsuitable for employment as Police Patil. This order is challenged by the Applicant in present O.A.

3. Shri U. V. Bhosale, learned Counsel for the Applicant canvassed that the impugned order rejecting the candidature of the Applicant for the post of Police Patil mainly on the ground of registration of NC Cases is untenable in law. He, therefore, urges that the Applicant is entitled for appointment to the post of Police Patil in absence of conviction against him.

4. Per contra, Shri A. J. Chougale, learned Presenting Officer for the Respondents pointed out that in view of registration of NC Cases in light of Clause 3(e) of Recruitment Order, 1968, the Applicant is unsuitable for employment as Police Patil, and therefore, the order passed by the S.D.O. Satara cannot be faulted with.

5. In so far as factual aspects of registration of NC Cases is concerned, there is no denying that following NC Cases were registered in Satara Taluka Police Station against the Applicant, which are as follows:-

- (a) NC No.772/2015 u/s 504, 506 of IPC.
- (b) NC No.1242/2015 u/s 504, 506, 427 r/w 34 of IPC.
- (c) NC No.846/2016 u/s 427 & 34 of IPC.
- (d) NC No.114/2019 u/s 323, 504, 506 of IPC.
- (e) Chapter Case vide 269/2019 u/s 107 of Code of Criminal Procedure is instituted.
- (f) Criminal MA No.142/219 i.e. private complaint filed by Smt. Laxmi Jankar against the Applicant u/s 323, 324, 354, 504, 506 & 509 of IPC and subjudice before the Judicial Magistrate First Class, Satara.

6. At this juncture, it would be apposite to see the Clause 3(e) of Recruitment Order, 1968, which is as follow:-

“3(e) : Is adjudged by the competent authority after a summary inquiry to be of bad character or has, in the opinion of that authority, such antecedents as render unsuitable for employment as Police Patil.”

7. In view of above, the question comes whether in view of registration of aforesaid cases, the Applicant renders himself unsuitable for employment as Police Patil.

8. As per Clause 3(a) of Recruitment Order, 1968, The Respondent No.3 being Appointing Authority has to form his opinion to see whether antecedents of the person render him unsuitable for employment as Police Patil. Of course, it is subjective satisfaction and should be outcome of the assessment of antecedents of the person in objective manner. True, in four cases, offences being non cognizable by police, no action was taken by the

police. Those were attracting Section 504, 506, 323, 427 of IPC. Section 323 of IPC pertains to voluntarily causing hurt. Section 506 of IPC pertains to criminal intimidation. Section 427 pertains to mischief to property with intension to cause loss. As these offences are non cognizable, police did not take cognizance. However, fact remains that there were reports against the Applicant and those were treated NC.

9. Furthermore, admittedly the police have filed Chapter Case before Executive Magistrate for directing the Applicant to execute the bond u/s 107 of Code of Criminal Procedure Code to maintain the public peace. Thus, it appears that conduct of the Applicant was of such a nature, so as to cause apprehension to public peace, and therefore, the police have filed proceedings known as Chapter Case u/s 107 of Code of Criminal Procedure Code. Apart one Smt. Laxmi Jankar had also filed Criminal Case for the offences u/s 323, 324, 354, 504, 509 and 506 of IPC against the Applicant on 26.02.2019 wherein verification of the complaint is already recorded.

10. Learned Counsel for the Applicant as well as learned P.O. for the Respondents were not able to show whether the Magistrate has passed the order of issuance of process against the Applicant. However, there is no denying that private complaint is also subjudice against the Applicant which also involves allegation of outraging the modesty of women attracting the Sections 354, 509 of IPC.

11. In view of above background, the Respondent No.3 has formed the opinion that the Applicant is not suitable for appointment to the post of Police Patil.

12. Duties and responsibilities of the Police Patil are defined u/s 6 of Maharashtra Village Police Act, 1967, which is as follows:-

**“SECTION 06: DUTIES OF POLICE-PATIL**

Subject to the orders of the District Magistrate, the Police-patil shall, -

(i) act under the orders of any other Executive Magistrate within whose local jurisdiction his village is situated;

(ii) furnish such returns and information as may be called for by such Executive Magistrate;

(iii) constantly keep such Executive Magistrate informed as to the state of crime and all matters connected with the village police and the health and general condition of the community in his village;

(iv) afford every assistance in his power to all Police Officers when called upon by them in the performance of their duty;

(v) promptly obey and execute all orders and warrants issued to him by a Magistrate or Police Officer;

(vi) collect and communicate to the Station Officer intelligence affecting the public peace;

(vii) prevent within the limits of his village the commission of offences and public nuisances, and detect and bring offenders therein to justice;

(viii) perform such other duties as are specified under other provisions of this Act, and as the State Government may, from time to time, by general or special order specify in this behalf.”

As such the post of Police Patil is important from the point of maintenance of law and order. Therefore such person must be of good character inspiring confidence of people. Villagers must have faith in him.

13. Thus, it is obvious that the Applicant is indulged in such a behavior giving rise to the registration of Crime though uncognizable and one more private complaint for the offences u/s 323, 324, 354, 509 of IPC is subjudice against him. Therefore, it

cannot be said that Applicant's character is unblemished and can discharge the duties of Police Patil. A person with such background and antecedents cannot be said suitable for appointment to the post of Police Patil. As such, the opinion formed by the Appointing Authority being based upon the objective assessment of situation, cannot be faulted with. Suffice to say, challenge to the impugned order is devoid of merit.

14. For the aforesaid reason, I have no hesitation to sum up that O.A. is devoid of merit and deserves to be dismissed.

**ORDER**

Original Application is dismissed with no order as to costs.

Sd/-

**(A.P. KURHEKAR)**  
**Member-J**

Place : Mumbai  
Date : 06.12.2019  
Dictation taken by : VSM  
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