

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 197 OF 2017**

**DISTRICT: - LATUR.**

**Smt. Shakuntala Navnath Revankar,**

Age – 35 years, Occu. Nil.,  
R/o. Palshi, Post Bhokramba  
Tq. Renapur, Dist. Latur.

**.. APPLICANT.**

**V E R S U S**

**1. The State of Maharashtra,**

Through its Secretary,  
Ministry of Revenue & Forest Department,  
Mantralaya, Mumbai.

**2. The Sub Divisional Magistrate,**

Latur, Dist. Latur.

**.. RESPONDENTS**

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**APPEARANCE :** Shri S.A. Wakure, learned Advocate  
for the applicant.

: Mrs. Priya R. Bharaswadkar, learned  
Presenting Officer for the  
respondents.

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**CORAM :** **HON'BLE SHRI B.P. PATIL,**  
**MEMBER (J)**

**DATE :** **18<sup>TH</sup> SEPTEMBER, 2017.**

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**O R A L O R D E R**

1. Heard Shri S.A. Wakure, learned Advocate for the  
applicant and Mrs. Priya R. Bharaswadkar, learned  
Presenting Officer for the respondents.

2. The applicant has approached this Tribunal with a request to direct the respondent No. 2 to issue him the appointment order on the basis of her selection made on the post of Police Patil of village Palshi, Post Bhokarumba, Tq. Renapur, Dist. Latur. It is her contention that she has been declared as selected candidate after completion of process of recruitment of Police Patil of Village Palshi, but the respondent No. 2 has not issued appointment order to her. On the contrary, respondent No. 2 issued letter dated 20.1.2017 and directed her to produce documents showing that she is having landed property at village Palshi. As she failed to produce the document, the appointment order has not been issued in her favour and it has been kept in abeyance.

3. Learned Advocate for the applicant has submitted that the requirement to hold the landed property at a particular village of aspiring candidates to be appointed as Police Patil has been deleted by the Government of Maharashtra vide its Resolution dated 3.11.2016. He has further submitted that the Hon'ble Bombay High Court

Bench at Nagpur has also held that holding of the land in one's own name is not a requirement of eligibility in the matter of appointment as a Police Patil under the Maharashtra Village Police Patils (Recruitment, Pay, Allowances and Other Conditions of Service) Order, 1968 under regulation (c), clause 5 (2). He has submitted that the appointment of the applicant on the post of Police Patil cannot be withheld on the ground that she has landed property at the village where she has to be appointed as a Police Patil. He has placed reliance on the judgment of the Hon'ble High Court of Judicature Bombay Bench at Nagpur in case of **RAJESH KRISHNA KALE VS. STATE OF MAHARASHTRA AND OHTERS reported in 2015 (4) Mh. L.J. 799**, wherein it has been observed as follows: -

**“7. We have carefully perused the impugned order. It is quite clear that non-holding of land by the petitioner in his own name is the main reason for setting aside his appointment as Police Patil by the Tribunal. The Tribunal has held that holding of land in one's own name as mentioned in the Government Resolution dated 7.9.1999 is mandatory. In**

paragraph 9 of the judgment, the Tribunal has mentioned that Government Resolution dated 7.9.1999 was brought into force after repealing of the Maharashtra Village Police Patil (Regulation) Rules, 1957 and the Maharashtra Village Police Patil (Service, Appointment, Salary, Allowances and Conditions of Service) Regulation, 1968. The Tribunal has further stated that in the repealing provision, it was not mandatory to hold the land in one's own name. However, facts so recorded by the Tribunal factually appear to be incorrect. Learned counsel for the petitioner has pointed that the Regulations of 1968 have not been repealed nor the Rules of 1957 have been repealed. The petitioner has specifically raised this contention by amending his petition. Learned Assistant Government Pleader conceded the submission made on behalf of learned counsel for petitioner to the effect that there is no such repeal as noted by the Tribunal in its judgment. The petitioner has filed on record Government Resolution dated 7.9.1999. We have carefully perused the contents of the said Government Resolution. The Government Resolution nowhere suggests that holding of land in own name is mandatory for a person

**aspiring for appointment as Police Patil. This aspect has been considered by the Division Bench of this Court in Arun Tukaram Patil v. State of Maharashtra & Ors (supra). In the said judgment the Division Bench has clearly held that the possession of landed property is not a criteria for eligibility to the appointment as Police Patil. In the said case also the appointment of petitioner was challenged and the Tribunal had set aside his appointment on the ground that he did not possess landed property in Motala village of which he was appointed as Police Patil. While negating the conclusion so recorded by the Tribunal, this Court unambiguously held that possession of the landed property is not the criteria for appointment of a person as Police Patil under the said Order of 1968. Even if it is assumed that in the Government Resolution, as has been interpreted by the learned Tribunal, 'to have a land in one's own name' is provided as a mandatory eligibility criteria, the said Government Resolution cannot be in any way has the over-riding effect on the statutory provisions of Order of 1968."**

4. He has submitted that the respondent No. 2, the Sub Divisional Magistrate, Latur, ought to have given

appointment to the applicant considering the Government Resolution dated 3.11.2016 and on the basis of decision rendered by the Hon'ble High Court as mentioned above.

5. Learned Presenting Officer has submitted that the recruitment process for the appointment on the post of Police Patil of village Palshi Tq. Renapur was started in the year 2012. As per the advertisement it was one of the essential conditions that candidate willing to file application, should be resident of concerned village and should own and possess the agriculture land. She has submitted that Government Resolution dated 3.11.2016 came to be issued subsequent to the completion of the present recruitment process and selection of the applicant on the post of Police Patil of village Palshi, Tq. Renapur. She has submitted that the applicant has not approached to the Sub Divisional Magistrate and made representation in that regard on the basis of G.R. dated 3.11.2016. She has further submitted that the applicant has not produced the judgment of the Hon'ble High Court before Sub Divisional Magistrate to consider the ratio laid down

therein and, therefore, the decision taken by the respondent No. 2 on 20.01.2017 to keep the appointment of the applicant on the post of Police Patil is in abeyance, is correct. Therefore, she prayed to reject the present Original Application.

6. On going through the record, it reveals that the applicant is declared as selected candidate on the post of Police Patil of village Palshi, Tq. Renapur, Dist. Latur, in the recruitment process of the year 2012. She has not produced the document to show that she is holding landed property at village Palshi and, therefore, her appointment has been kept in abeyance till production of the document in that regard by the impugned letter dated 20.1.2017.

7. On perusal of the Government Resolution dated 7<sup>th</sup> September, 1999, it reveals that one of the conditions for appointment on the post of Police Patil is that the candidate shall be resident of the said village and he shall hold landed property. The Government Resolution dated 7<sup>th</sup> September, 1999, nowhere provides that the

aspiring candidate should hold the landed property in the particular village. Not only this, but the said condition has been deleted by the Government by Corrigendum dated 3<sup>rd</sup> November, 2016. Therefore, the impugned order dated 20.1.2017 is not in accordance with the Government Resolution dated 7.2.1999. On the contrary, the letter dated 20.1.2017 shows that the applicant produced the sale deed showing that she holds land elsewhere. This shows that the Sub Divisional Magistrate has not considered the provisions of the Government Resolution dated 7.9.1999 in its true spirit.

8. It is also material to note here that similar issue has been considered by the Hon'ble Bombay High Court Bench at Nagpur in case of **RAJESH KRISHNA KALE VS. STATE OF MAHARASHTRA AND OTHERS** (supra) and held that possession of landed property is not criteria under Order of 1968 and holding of land in one's own name is not a mandatory for persons aspiring for appointment on the post of Police Patil. The Hon'ble High Court has relied on the decision of the Division Bench in

case of **ARUN TUKARAM PATIL VS. STATE OF MAHARASHTRA AND OTHERS reported in 1999 (3) Mh.L.J. 594**, wherein the Hon'ble Division Bench has held that land in one's own name is not a requirement in the matter of Police Patil under the Maharashtra Village Police Patils (Recruitment, Pay, Allowances and Other Conditions of Service) Order, 1968 under regulation 3 (c), clause 5 (2).

9. In view of the said fact it is not essential criteria to hold laded property for aspiring candidate for appointment as a Police Patil. The said decision has not been produced by the applicant before the Sub Divisional Magistrate, Latur. Therefore, he has not considered these aspect while passing impugned order to keep for appointment of the applicant on the post of Police Patil of village Palshi, Dist. Latur in abeyance.

10. In the circumstances, in my opinion, it is just to direct the applicant to approach the respondent No. 2 afresh for being considering her case for appointment on the post of Police Patil of village Palshi, Dist. Latur. It is

also just to direct the respondent No. 2, Sub Divisional Magistrate, Latur, District Latur, to consider the case of the applicant afresh in view of the decision of the Hon'ble High Court in case of **RAJESH KRISHNA KALE VS. STATE OF MAHARASHTRA AND OHTERS** (supra) and in view of the corrigendum dated 03.11.2016 to the Government Resolution dated 7<sup>th</sup> September, 1999, and take decision regarding appointment of the applicant on the post of Police Patil of village Palshi within a period of 15 days from the date of this order.

11. In view of the above, the present Original Application is disposed of with a direction to the applicant to approach the respondent No. 2, Sub Divisional Magistrate, Latur immediately. Respondent No. 2 is directed to take decision on the representation of the applicant within a period of two weeks from the date of the order in the light of the above said observations.

There shall be no order as to costs.

**MEMBER (J)**

O.A.NO.197-2017(SB)-HDD-2017-Police Patil-BPP