

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 888/2023 WITH**  
**CIVIL APPLICATION NO. 02/2024 (S.B.)**

Shri Ashish S/o Prakash Sarnaik,  
Aged about 33 years, Occu.: Nil,  
R/o at Village Chikhali, Post Chikhali,  
Tahsil Risod, District Washim-444 510.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary, Revenue and  
Forest Department,  
Mantralaya, Mumbai- 400 032.
- 2) The District Collector,  
Office of Collectorate Compound,  
Washim, District Washim-444 505.
- 3) The Sub Divisional Officer Washim,  
Member President of Selection Committee,  
Washim, Office of Sub Divisional Officer Washim,  
District Washim-444 505.
- 4) The Tahsildar, Risod, Member Secretary  
Selection Committee Washim, Tahsil  
Office Washim, District Washim 444 506.
- 5) Shri Gaurav S/o Dilip Wankhede,  
Aged about 25 years, Occu.: Business,  
R/o Village Chikhali, Post- Chikhali,  
Tahsil Risod, District -Washim-444 510.

**Respondents**

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**Shri A.P.Sadavarte, Id. Advocate for the applicant.**

**Shri M.I.Khan, Id. P.O. for the respondents 1 to 4.**

**Shri S.D.Chande, Id. counsel for the R-5.**

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**Coram :- Hon'ble Shri M.A.Lovekar, Member (J).**

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**JUDGMENT**

**Judgment is reserved on 09/02/2024**

**Judgment is pronounced on 16/02/2024.**

Heard Shri A.P.Sadavarte, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

2. In response to the advertisement dated 19.06.2023 (A-1) the applicant and respondent no. 5 both applied for the post of Kotwal of Saza Chikhali. Though as per schedule of selection process select list was to be published on 08.08.2023 (P. 21), by preponing the date it was published on 30.07.2023 (P. 81) i.e. on the very day on which answer sheets were assessed. In E.W.S. (General) Category the applicant scored 58 marks and respondent no. 5 scored 76 marks (A-6).

The advertisement *inter alia* stipulated that the applicant should be resident of concerned Saza. The applicant filed objection dated 31.07.2023 (A-7) before respondent no. 2 that respondent no. 5 was

resident of Haral and not Saza Chikhali. Respondent no. 4 who was Member Secretary of Kotwal Selection Committee called upon the applicant, by communication dated 31.07.2023 (A-8) to produce before him reliable documents in support of his objection. With covering letter dated 02.08.2023 (A-9) the applicant submitted list of voters of Haral before respondent no. 4. In this list name of respondent no. 5 featured at Sr. No. 158. Hence, this Original Application seeking relief of setting aside selection of respondent no. 5, and appointing the applicant to the post of Kotwal of Saza Chikhali.

3. In support of his case that respondent no. 5 is resident of Haral and not Saza Chikhali, the applicant has filed list of Voters of Haral in which name of respondent no. 5 is at Sr. No. 158. Respondent no. 5, on the other hand, has placed reliance on certificate issued by Police Patil of Chikhali on 30.06.2023 (at P. 41), Ration Card issued in the name of Arun Gajanan Ambhire, resident of Chikhali in which respondent no. 5 who is his nephew, is shown to be residing with him in the same household (at P. 43), E.W.S. certificate issued on 29.06.2023 (at P. 47), report of Talathi of Chikhali issued on 21.06.2023 (at P. 83), Adhaar Card of respondent no. 5 issued on 10.01.2012 (at P. 94), certificate issued by Sarpanch of Chikhali on 18.08.2023 (at P. 101), marksheet of Class 4 issued on

30.04.2007 (at P. 104), certificate of Age, Nationality and Domicile (at P. 108), certificate issued by Gram Panchayat, Haral that respondent no. 5 is not resident of said village (at P. 111) and School Leaving Certificate issued on 04.06.2005 (at P. 113). All these documents show that respondent no. 4 is resident of Chikhali.

4. With his rejoinder the applicant has filed extracts of school record of father and grandfather of respondent no. 5 (A-11 and A-12), Adhaar Card of father of respondent no. 5 (A-13) and 7/12 extracts of land standing in the name of father of respondent no. 5 (at A-14) to contend that respondent no. 5 is not resident of Chikhali. These documents pertain to father and grandfather of respondent no. 5 and their agricultural land. Here, question is of place of residence of respondent no. 5. Documents relied upon by respondent no. 5, more particularly his Adhaar Card issued on 10.01.2012 and School Leaving Certificate issued on 04.06.2015, show that he is resident of Chikhali.

5. The applicant has filed C.A. No. 02/2024 with following prayers:-

*(i) direct the respondent no.2 to produce the copy of original order /communication dated 08.06.2023 thereby directing to issue the selection process for the post of Kotwal at Village/Mouza : Chikhali, Tahsil Risod, District Washim;*

*(ii) direct the respondent no.5 to produce copy of domicile certificate produce by him in the Mahila Utkarsha Institute of Pharmacy College, Dahegaon during the year 2016-17;*

*(iii) grant any other reliefs which will be deemed fit and proper in the facts and circumstance of the case.*

There is ample material to conclude that respondent no. 5 is resident of Chikhali. Hence, no case is made out to allow this C.A..

6. It was submitted by Id. P.O. that as per Rule 10 of Rules for recruitment of Kotwal a person appointed as a Kotwal of a Village must have knowledge of local conditions of village, and must be prepared to stay in the village of his appointment, and for this reasons also selection of respondent no. 5 will have to be upheld even if it is assumed for the sake of argument that he is resident of Haral and not Saza Chikhali. Here, it may be observed that as per the advertisement dated 19.06.2023 it was necessary for the applicants to be resident of concerned Saza in order to be eligible for the post. In any case there is material to hold that respondent no. 5 is resident of Chikhali. In the result, **the O.A. and C.A. are dismissed with no order as to costs.**

**Member (J)**

**Dated :- 16/02/2024**  
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 16/02/2024  
and pronounced on

Uploaded on : 17/02/2024