

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO.1090/2023(S.B.)

Ms. Pinki D/o Jaichand Rathod,
aged about 28 Year, Occ.: Household,
R/o Khapa Tanda Tah. Katol,
Dist. Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Home Department,
Mantralaya, Mumbai-32.
- 2) Sub-Divisional Magistrate and Chairmen,
Recruitment of Police Patil Committee – 2023,
At- Katol, Dist. Nagpur.
- 3) The Collector/ District Magistrate,
Civil Lines, Nagpur - 440001.
- 4) Sau. Aruna w/o Vijay Chavhan,
Aged 33 year, Occ. Not known,
R/o Khapa Tanda Tah. Katol,
Dist. Nagpur. 441103.

Respondents

Shri Y.N.Thengre, Ld. Counsel for the applicant.
Shri S.A.Sainis, Ld. P.O. for the respondents.

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

Dated: - 6th March, 2024.

JUDGMENT

Judgment is reserved on 5th March, 2024.

Judgment is pronounced on 6th March, 2024.

Heard Shri Y.N.Thengre, learned counsel for the applicant and Shri S.A.Sainis, learned P.O. for the respondents.

2. In response to proclamation dated 02.05.2023 (Annexure A-1), the applicant and respondent no.4 both applied for the post of Police Patil of Village Khapa Tanda which was reserved for Woman (Open) category. The applicant as well as respondent no.4 cleared written examination and they were called for interview. Total marks secured in these examinations viz. written and oral – by the applicant and respondent no.4 were 55 and 56.6, respectively. It is the sole contention of the applicant that she should have been considered for appointment to the post in preference to respondent no.4 because of her higher educational qualification, in view of G.R. dated 22.08.2014 (Annexure A-6) issued by the HomeDepartment, Government of Maharashtra.

According to the applicant, she has completed Graduation whereas respondent no.4 has not done so and she is less educated. It is submitted that so far order of appointment has not been issued to respondent no.4. The applicant asserts that she should be appointed to the post of Police Patil of Village Khapa Tanda.

3. Stand of respondent no.2 is that selection process was meticulously carried out, the applicant scored less marks than respondent no.4, this being the case the applicant would not derive any benefit from G.R. dated 22.08.2014, and hence, on 08.09.2023 appointment order has been issued to respondent no.4.

4. Clause -5 of G.R. dated 22.08.2014 on which the applicant desires to rely, reads as under-

५. उमेदवारास समान गुण मिळाल्यास.

गुणवत्ता यादीमधील दोन किंवा त्यापेक्षा अधिक उमेदवार समान गुण धारण करित असतील, तर अशा उमेदवारांचा गुणवत्ता क्रम खालील निकषांवर क्रमवार लावला जाईल. :-

१. पोलीस पाटलांचे वारस;
२. त्यानंतर अर्ज सादर करावयाच्या अंतिम दिनांकास उच्च शैक्षणिक अर्हता धारण करणारे उमेदवार : त्यानंतर
३. माजी सैनिक असलेले उमेदवार; त्यानंतर
४. वयाने ज्येष्ठ उमेदवार.

5. The aforequoted clause will not be applicable because respondent no.4 and the applicant have not secured same marks. Respondent no.4 secured 56.6 marks whereas the applicant secured 55 marks.

6. Thus, the O.A. lacks merit. It is accordingly dismissed with no order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 06/03/2024
rsm.

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Member (J).
Judgment signed on : 06/03/2024.
and pronounced on
Uploaded on : 06/03/2024.