

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 278/2016 (S.B.)

Santosh S/o Vasanta Wankhede,
Aged about 22 years,
Occupation : Student,
R/o. Pardi Asra, Washim.

Applicant.

Versus

- 1) The State of Maharashtra
through its Secretary,
Home Department,
Mantralaya, Mumbai.

- 2) The Tahsildar,
Washim, Tah. and District - Washim.

- 3) Satish S/o Jagannath Wankhede,
Aged : Major, Occupation : Service,
R/o. Pardi Asra, Tah. Washim,
District – Washim.

Respondents

Shri A.D.Girdekar, Ld. Counsel for the applicant.
Shri A.P.Potnis, Ld. P.O. for the respondents 1 & 2.
Shri S.N.Gaikwad, Ld. Counsel for the Respondent no.3.

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

Dated: - 9th August 2023.

JUDGMENT

Judgment is reserved on 03rd August, 2023.

Judgment is pronounced on 9th August, 2023.

Heard Shri A.D.Girdekar, learned counsel for the applicant, Shri A.P.Potnis, learned P.O. for the respondents 1 and 2 and Shri S.N.Gaikwad, Id. Counsel for the respondent no.3.

2. Case of the applicant is as follows. In response to notification dated 31.10.2015 (Annexure A-1) the applicant participated in the process of selection for the post of Kotwal of village Pardi Asra and topped the select list (Annexure A-4) by scoring 93 marks. In character verification report dated 02.03.2016 (Annexure A-5) issued by the Superintendent of Police, Washim it was stated that against the applicant and others Crime No.9/2014 was registered at Ansing Police Station *inter alia* under Section 307 r/w 34, I.P.C.. The applicant submitted his explanation dated 01.04.2016 (Annexure A-6) to respondent no.2. Without considering the same respondent no.2 passed the impugned order dated 21.04.2016 (Annexure A-7) cancelling selection of the applicant on the ground of suppression of details in

respect of registration of offence against him. Respondent no.2 did not verify the F.I.R. and order dated 20.03.2014 (Annexure A-8, collectively) releasing the applicant on bail, before passing the impugned order. Respondent no.2 did not verify cross complaint on the basis of which Crime No.8/2014 was registered against the rival faction (Annexure A-9). The applicant was falsely implicated. Hence, this O.A. for quashing and setting aside the impugned order.

3. Stand of respondent no.2 is that the applicant was guilty of suppression of material facts while submitting the attestation form (Annexure R-2) and he deliberately left column-11(a) of this form blank.

Said Column reads as under –

11. (a) Have you ever been arrested/prosecuted, kept under detention, or bound down/fined/convicted by a court of law for any offence or debarred/disqualified by any Public Service Commission from appearing at its examinations/selections or debarred from taking any examinations/rusticated by any University or any other Educational Authority/Institution ?

4. Respondent no.2 has relied on G.R. dated 26.08.2014 (Annexure R-3) issued by G.A.D., Government of Maharashtra. As per Appendix –A to this G.R. a person against whom trial is pending under Section 307,

I.P.C. cannot be given appointment to a post in Government service. Consequently, the impugned order cannot be faulted. In the facts and circumstances of the case contention of the applicant that F.I.R. would reveal his false implication will not be relevant. For all these reasons the O.A. is dismissed with no order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 09/08/2023
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 : 09/08/2023.
and pronounced on : 09/08/2023.