

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 673/2021

with C.A.No.166/2022 (S.B.)

Shri Bhaskar S/o Jagdish Kamthe,
Aged about 40, occupation private,
R/o Rengepar/Kohali, Tah. Lakhani,
Dist. Bhandara.

Applicant.

Versus

1. Sub-Divisional Officer, Sakoli,
At Sub Divisional Office Sakoli,
Dist.Bhandara, Maharashtra.
2. State of Maharashtra,
Through its Secretary,
Home Department, Mantralaya.
Mumbai-32.
3. Secretary,
Department of Tribal Development,
Mantralaya, Mumbai-32.
4. Additional Commissioner,
Tribal Development, Gripeth Nagpur-32.

Respondents

Shri P.D.Ganvir, Ld. counsel for the applicant.
Shri H.K.Pande, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated:- 25th April, 2023.

JUDGMENT

Heard Shri P.D.Ganvir, learned counsel for the applicant and Shri H.K.Pande, learned P.O. for the Respondents.

2. Case of the applicant in short is as under-

That there was recruitment process for the post of Police Patil as per advertisement dated 19.12.2012. The said process could not be completed for want of candidate from NT(D) category. The applicant had moved one application/representation dated 23.01.2013. The said representation was decided by the Sub Divisional Magistrate, Sakoli on 15.03.2021. The applicant was informed that he will be at liberty to submit application in the coming recruitment process. It appears that this communication dated 15.03.2021 is challenged in this O.A.

3. Now the applicant has filed C.A. for grant of stay to the recruitment process started as per the advertisement dated 27.03.2023.

4. As per the submission of learned counsel for the applicant, in the recent recruitment process there is no reservation for NT category and therefore, prayed to grant stay to the recruitment process started as per the advertisement dated 27.03.2023.

5. Learned P.O. has raised objection that O.A. itself is not tenable because there was no any cause to file the O.A. Moreover, the recruitment process of 19.12.2012 was challenged in the O.A.No.673/2021. Secondly,

the learned P.O. has submitted that this Tribunal cannot interfere in the recruitment process, it is started from 27.03.2023 and the last date for accepting applications was 06.03.2023. He has pointed out Jahirnama published by the Sub Divisional Magistrate. It is dated 9th March 2023. All the objections were invited by the Sub Divisional Magistrate and those were decided. As per the decision recruitment process is started.

6. The O.A. itself is not maintainable because there was no any cause to file the O.A. Recruitment of the post of Police Patil of village Rengepar (Kohali) was started in the year 2012. The candidate from NT category was not available, therefore, recruitment process was stopped. One of the applications was moved by the applicant and that was decided in the year 2021.

7. From the perusal of communication dated 15.03.2021. It is clear that applicant was informed by the Sub Divisional Magistrate, Sakoli that he will be at liberty to participate in the coming recruitment process. It is very clear that in the year 2020-2021 there was no any recruitment process, then as to how the O.A. was filed is a question. There was no any cause when the O.A. was filed.

Now the recruitment process is started as per the advertisement dated 17.03.2023. Thereafter, C.A.No.166/2022 is filed by the applicant to grant stay to the recruitment process. As per the statement of learned

counsel for the applicant, his objection was not decided by the Sub Divisional Magistrate.

8. From the perusal of Jahirnama published by the Sub Divisional Magistrate dated 09.03.2023, it is clear that objections were called and those objections were decided by the Sub Divisional Magistrate, Sakoli. After considering the objections, the reservations were decided and new recruitment process is started as per the advertisement dated 27.03.2023.

9. From the perusal of advertisement, it is clear that most of the recruitment process is now complete. At this stage, no any stay can be granted for the recruitment process started by the respondent as per advertisement dated 27.03.2023. The applicant was at liberty to challenge the decision of the Sub Divisional Magistrate in respect of the reservation. Those objections were decided by the Sub Divisional Magistrate, Sakoli as per Jahirnama dated 09.03.2023.

10. The O.A. itself is not tenable. Looking to the grounds raised in the O.A. and C.A., the applicant is not entitled for any relief because the recruitment process is near about complete. Hence, the O.A. and C.A. are dismissed with no order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 25/04/2023
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 Vice Chairman .
Judgment signed on : 25/04/2023.