

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 70 of 2019 (S.B.)

Ganpat Kalu Pawar,
Age 60 Years, Occ. Service,
R/o At Vasantnagar, Post Dawargaon,
Tq. Sindhekhed-Raja, Dist. Buldhana.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary of Revenue Department,
Mantralaya, Mumbai.
- 2) Sub Divisional Officer, Sindhkhed-Raja,
Tq. Sindhekhed-Raja, Dist. Buldhana.
- 3) Pandit Desu Chavhan,
Age 50 years, Occ. Police Patil,
R/o At Vasantnagar, Dawargaon,
Tq. Sindhekhed-Raja, Dist. Buldhana.

Respondents.

Shri P.S. Patil, Advocate for the applicant.
Shri A.P. Potnis, P.O. for respondent nos.1 and 2.
Shri V.S. Giramkar, Advocate for respondent no.3.

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

Dated :- 09/10/2023.

J U D G M E N T

Heard Shri P.S. Patil, learned counsel for the applicant,
Shri A.P. Potnis, learned P.O. for respondent nos.1 and 2 and Shri
K.R. Jain, learned counsel holding for Shri V.S. Giramkar, learned
counsel for respondent no.3.

2. The case of the applicant in short is as under –

3. The applicant was one of the candidates for the post of Police Patil. The applicant is the resident of village Vasant Nagar, Taluka Sindkhedraja, District Buldhana. The respondent no.3 was appointed on the post of Police Patil. The qualification for the post of Police Patil was 5th standard pass. The respondent no.3 has not passed 5th Standard examination. Eventhough he was selected and appointed on the post of Police Patil. The applicant made complaint to the Collector, Buldhana. The said complaint enquired by the Sub Divisional Magistrate, Sindhkhed-Raja. As per his order dated 29/11/2017, there is no any overwriting in the School Leaving Certificate. Thereafter, the applicant approached to the Additional Commissioner, Amravati. The Additional Commissioner, Amravati has dismissed the appeal of the applicant. Therefore, the applicant has filed present O.A. for the following reliefs –

“(i) Quash and set aside the impugned order of the respondent no. 1 dated 29-11-2017 passed in R.C.S. No. APT- 5/Vasantnagar/01/dt-2017-2018 (Annx-A- 6) in the interest of justice.

(ii) Hold and Declare that respondent no.3 is disqualified for the post of Police Patil, Vasantnagar, Post Dawargaon, Tq. Sindhkhed-Raja, Dist. Buldhana he was not holding requisite qualification at the time of appointment of Police Patil in the interest of justice.

(iii) Direct the respondent no. 2 Sub- Divisional Officer, Sindhkhed-Raja to take necessary action against the respondent no. 3 for preparing forged and fabricated documents and further direct to take necessary action for

recovery of salary from the respondent no. 3 which he as earned during these outgoing years in the interest of justice.”

4. The respondents have denied allegations of the applicant. The respondent no.3 in his affidavit / reply has stated that he has passed 5th Standard examination. He has produced the School leaving Certificate. Accordingly, he was posted as Police Patil.

5. Heard learned counsel for the applicant Shri P.S. Patil. He has pointed out the Register (Pravesh Nirgam). The learned counsel for applicant has submitted that the Head Master has given one letter stating that there is some overwriting.

6. The respondent no.3 has produced the School leaving Certificate (P-49). From the perusal of the school leaving certificate of respondent no.3, it is clear that there is no any overwriting. From the perusal of School Register, it appears that overwriting is not clear.

7. The School leaving Certificate is issued by the Head Master and there is no any overwriting, there is no any doubt in respect of the School leaving Certificate. The allegation in respect of overwriting is not clear. In the School Register (Pravesh Nirgam) in Column no.11, number '6' is clearly written and there is no any overwriting. It appears that in Column no.13 there appears to be overwriting, but in column no.11, number '6' is clearly written and there is no any overwriting. Therefore, allegation that there is

overwriting in the School Register (Pravesh Nirgam) is not correct. The inquiry was made by the Sub Divisional Magistrate, Sindhkhed-Raja. Nothing wrong was found. In the decision, the Sub Divisional Magistrate, Sindhkhed-Raja has made following observations –

“प्रकरणात दाखल कागदपत्राचे अवलोकन करण्यात आले. प्रकरणातील अर्जदार यांनी दाखल केलेली श्री पंडीत देसू चव्हाण, पोलिस पाटील वसंतनगर यांची शाळा सोडल्याच्या दाखल्याची मुळ प्रत श्री पंडीत देसू चव्हाण, पोलिस पाटील वसंतनगर यांचेकडून मागविण्यात आली. शाळा सोडल्याची मुळ प्रत या कार्यालयाकडून तपासण्यात आली. **शाळा सोडल्याच्या मुळ प्रतीवर कोठेही खाडाखोड किंवा Over write असल्याचे दिसून आले नाही.** पंडीत देसू चव्हाण, पोलिस पाटील वसंतनगर यांचे शाळा सोडल्याचे दाखल्याची प्रत अबाधित आहे असे या कार्यालयाचे मत झाले. शाळा सोडल्याचे दाखल्याची प्रत गाहय धरुन अर्जदार गणपत काळू पवार रा. वसंतनगर ता. सिंदखेडराजा यांनी दाखल केलेला दिनांक ५.५.२०१७ रोजीचा अर्ज खारिज करण्यास पात्र असल्याचे निर्णयाप्रत मी येऊन पोहचलो. सबब खालीलप्रमाणे निर्णय पारित करण्यात येत आहे.

निर्णय

प्रकरणात दाखल असलेला अर्जदार श्री गणपत काळू पवार रा. वसंतनगर पो. डावरगांव ता. सिंदखेडराजा यांचा दिनांक ५.५.२०१७ रोजीचा विषयांकीत अर्ज या कार्यालयाचे स्तरावरून खारिज करण्यात येत आहे. याची सर्व संबंधितांनी नोंद घ्यावी. प्रकरण नस्ती”

8. The applicant was not satisfied of the order of Sub Divisional Magistrate, Sindhkhed-Raja. He approached to the Additional Commissioner, Amravati. The Additional Commissioner, Amravati also dismissed the appeal of the applicant. It appears that there is a political rivalry etc. between the applicant and respondent no.3, therefore, the applicant approached to the Collector, Buldhana, thereafter to the Additional Commissioner, Amravati and thereafter

before this Tribunal. There is no substance in the O.A. Hence, the following order –

ORDER

The O.A. is dismissed with no order as to costs.

Dated :- 09/10/2023.

**(Justice M.G. Giratkar)
Vice Chairman.**

*dnk.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 09/10/2023.