

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO.721/2015.

Manoj Rajeram Salame,
Aged about 30 years,
Occ-Agriculturist,
R/o Mangona, Tehsil-Warud,
District-Amravati.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai-32.
2. The Sub-Divisional Magistrate,
Morshi, Distt. Amravati.
3. Nandkishor Bajirao Sable,
Aged-Adult, Occ- Agriculturist,
R/o Benoda, Tehsil-Warud,
District-Amravati.
4. Gram-Panchayat, Benoda (Shahid),
Through its Secretary, Tehsil-Warud,
District-Amravati.
5. Gram-Panchayat, Palsona,
Through its Secretary, Tehsil-Warud,
District-Amravati.

Respondents.

Shri H.N. Potbhare, Ld. counsel for the applicant.
Shri P.N. Warjekar, Ld. P.O. for respondent Nos. 1 and 2.
Shri H.D. Futane, Ld. counsel for respondent No.3.
None for respondent Nos. 4 and 5.

Coram:- B. Majumdar, Vice-Chairman

Dated:- 10th March 2016.

Order

The applicant has filed this O.A. as he is aggrieved that he has not been selected for the post of Police Patil of village Mangona, Tehsil Wardha, District Amravati.

2. The Sub-Divisional Magistrate, Morshi (R.2) on 24.8.2015 issued a Proclamation inviting applications for the post of Police Patil of village Mangona. The applicant as well as respondent No.3 i.e. Nandkishor Bajirao Sable applied for the post. The applicant on 23.9.2015 submitted a complaint to respondent No.2 that respondent No.3 was not a resident of village Mangona. The complaint was rejected by respondent No. 2 on 19.10.2015 respondent No.3 was selected and appointed for the post of Police Patil of village Mangona. The applicant has challenged the selection and appointment of respondent No.3.

3. According to the applicant, respondent No.3 is not a resident of village Mangona and documents that he has produced in respect of his residence are false.

4. The Sub-Divisional Magistrate, Morshi (R.2) in his reply submits that in terms of the provisions of Maharashtra Village Police Patils Act, 1967 and the Police Patil Recruitment Rules, 1968, a

candidate applying for the post of Police Patil is required to submit the certificate of residential proof or possession of landed property in the village. He has rejected the complaint of the applicant that respondent No.3 is not a resident of village Mangona after examination of all necessary documents and he was satisfied that respondent No.3 has permanent residence in Mangona. As per G.R. of 22.8.2014, a candidate has to score a minimum 45% marks in the written examination to be allowed to appear for interview. Only two candidates, viz., respondent No.3 and Shri Kailash B. Sable had scored above 45% marks and they were called for interview. On the basis of total marks in written and oral interview, respondent No.3 was selected on merit.

5. Shri H.M. Potbhare, the learned counsel for the applicant relied on the following documents to demonstrate that respondent No.3 is not a resident of village Mangona:

- (a) Residence certificate dated 13.10.2015 issued by Gram-Panchayat, Benoda.
- (b) Residence certificate issued by Gram-Panchayat, Palsona dated 4.9.2015 that respondent No.3 is a resident of village Mangona is a false. Similarly the certificate by same Gram-Panchayat dated 28.8.2015 is false.
- (c) Certificate dated 11.12.2015 issued by Gram-Panchayat, Benoda.

- (d) Statements of the villagers of Mangona declaring that respondent No.3 is not a resident of the said village.

Respondent No.3 in his reply submits that respondent No.2 had called for the relevant records and after verification thereof, he had rejected the representation alleging that he was not a resident of village Mangona. He specifically relied on the following documents in support of his residence:

(a) Voters' List of 2015 of village Mangona.

(b) His bank passbook and tax receipts of 7.12.2015 and 30.6.2015 showing that he has an ancestral house at Mangona.

6. Shri P.N. Warjukar, the learned P.O. for respondent Nos. 1 and 2 and Shri H.D. Futane, the learned counsel for respondent No.3 drew my attention to the following documents which form part of the records of the present O.A. which were produced before respondent No.2 and which demonstrate that the applicant is a resident of village Mangona:

- (1) Extract of 7/12 of Mangona village (P.98).
- (2) Talathi record (Annexure 8-A, P.99 & 100).
- (3) Talathi certificate (P.102)
- (4) Ration card dated 14.8.2013 issued by Tehsildar, Warud (P.103.)
- (5) Certificate of Gram-Panchayat, Mangona (P.104).

- (6) Aadhar Card (P.105).
- (7) Voters Card (P.105).
- (8) Passbook of Bank of India, Warud (P.112).
- (9) Identity Card of MGNREGA.
- (10) Domicile Certificate (P.108)
- (11) Electoral Roll of Mangona (P.111).

All these documents mention that respondent No.3 is a resident of village Mangona.

7. I find that in his affidavit respondent No.2 has referred to G.R. dated 22.8.2014 which stipulates that a candidate must score 45% marks in the written examination to be eligible for interview and only two candidates including respondent No.3 had obtained marks above 45% in the written test. This G.R. as well as his score is not disputed by the applicant. Thus, the applicant did not obtain the minimum marks and hence was not called for interview. On this basis alone, the present O.A. does not appear to have any merit. I have however also examined the applicant's allegation that respondent No.3 is not a resident of Mangona. I find that on 23.9.2015, 44 residents of village Mangona had submitted a memorandum to respondent No.2 alleging that the applicant and Kailash B. Sable have not been residing in Mangona for the last 10 to 12 years. Respondent No.2 in his noting dated 28th September, 2015 on the margin has recorded as follows:

“मुळ अर्ज तपासले . मुळ रहीवासी दाखले तपासले त्यामुळे दोन्ही अर्जदार हे मांगोन्याचे रहिवासी आहेत . त्यामुळे अर्जदाराचा आक्षेप फेटाळण्यात येत आहे .”

8. Thus, all the documents listed in para 7 above as well as finding of respondent No.2 in the representation made by the villagers clearly show that respondent No.3 is a resident of Mangona. I therefore find that on both the counts, i.e., applicant's failure to qualify for interview after getting less than 45% marks in the written test and there being no substance in his allegations that respondent No.3 is not a resident of Mangona, O.A. is devoid of any merit and stands rejected with no order as to costs.

sd/-

(B. Majumdar)
Vice-Chairman

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