

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO. 463 / 2016 (S.B.)**

Sunita W/o Pramod Dabke,  
Age : 33 yrs., Occ. Gharkam,  
R/o Gondi Digras, Tq. Katol,  
Post Yenwa, Dist. Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai- 32,
- 2) Sub-Divisional Magistrate,  
Katol, Tq. Katol, Dist. Nagpur.
- 3) Mamta S/o Dinesh Lolusare,  
Age : 32 yrs., Occ. Housewife,  
R/o Gondi Digras, Tq. Katol,  
Post Yenwa, Dist. Nagpur.

**Respondents**

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**Smt. Dawda, the Id. Advocate for the applicant.**

**Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 & 2.**

**Shri A.Girdekar, the Id. counsel for the Respondent no. 3.**

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**ORIGINAL APPLICATION NO. 464 / 2016 (S.B.)**

Netaji S/o Umraoji Dongre,  
Age : 38 yrs., Occ. Agriculture,  
R/o Umri (Sindhi), Tq. Narkhed,  
Post Sindhi, Dist. Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai- 32,
- 2) Sub-Divisional Magistrate,  
Narkhed, Tq. Narkhed, Dist. Nagpur.
- 3) Pankaj S/o Bhujangrao Raut,  
Age : 35 yrs., Occ. Agriculture,  
R/o Umri (Sindhi), Tq. Narkhed,  
Post Sindhi, Dist. Nagpur.

**Respondents**

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**Smt. Dawda, the Id. Advocate for the applicant.**

**Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 & 2.**

**Shri S.M.Nafde, the Id. counsel for the Respondent no. 3.**

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**ORIGINAL APPLICATION NO. 465 / 2016 (S.B.)**

Ganesh S/o Rupraoji Bhoose,  
Age : 39 yrs., Occ. Agriculture,  
R/o Davsa, Tq. Narkhed,  
Dist. Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai- 32,
- 2) Sub-Divisional Magistrate,  
Narkhed, Tq. Narkhed, Dist. Nagpur.
- 3) Naresh S/o Sukhdeorao Yawle,  
Age : 35 yrs., Occ. Agriculture,  
R/o Davsa, Tq. Narkhed,  
Dist. Nagpur.

**Respondents**

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**Smt. Dawda, the Id. Advocate for the applicant.**

**Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 & 2.**

**None for the Respondent no. 3.**

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**ORIGINAL APPLICATION NO. 466 / 2016 (S.B.)**

Ravidra S/o Haribhav Sable,  
Age : 33 yrs., Occ. Agriculture,  
R/o Sindhi, Tq. Narkhed,  
Dist. Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai- 32,
- 2) Sub-Divisional Magistrate,  
Narkhed, Tq. Narkhed, Dist. Nagpur.
- 3) Nitin S/o Mahadeorao Bondre,  
Age : 43 yrs., Occ. Ariculture,  
R/o Sindhi, Tq. Narkhed,  
Dist. Nagpur.

**Respondents**

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**Smt. Dawda, the Id. Advocate for the applicant.**

**Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 & 2.**

**Shri S.M.Nafde, the Id. counsel for the Respondent no. 3.**

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**ORIGINAL APPLICATION NO. 467 / 2016 (S.B.)**

Rajendra S/o Yashwantrao Jawnjan,  
Age : 45 yrs., Occ. Agriculture,  
R/o Fetri, Tq. Katol,  
Post Khangaon, Dist. Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai- 32,
- 2) Sub-Divisional Magistrate,  
Katol, Tq. Katol, Dist. Nagpur.
- 3) Vijay S/o Baliram Kaurati,  
Age : 28 yrs., Occ. Private Job,  
R/o Fetri, Tq. Katol,  
Post Khangaon, Dist. Nagpur.

**Respondents**

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**Smt. Dawda, the Id. Advocate for the applicant.**

**Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 & 2.**

**None for the Respondent no. 3.**

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**ORIGINAL APPLICATION NO. 468 / 2016 (S.B.)**

Neelima W/o Sanjay Dhote,  
Age : 31 yrs., Occ. Housewife,  
R/o Rohana, Tq. Narkhed,  
Dist. Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai- 32,
- 2) Sub-Divisional Magistrate,  
Narkhed, Tq. Narkhed, Dist. Nagpur.
- 3) Vaishali W/o Siddhraj Kawadse,  
Age : 35 yrs., Occ. Housewife,  
R/o Rohana, Tq. Narkhed,  
Dist. Nagpur.

**Respondents**

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**Smt. Dawda, the Id. Advocate for the applicant.**

**Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 & 2.**

**None for the Respondent no. 3.**

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**ORIGINAL APPLICATION NO. 469 / 2016 (S.B.)**

Varsha W/o Kishor Shelke,  
Age : 32 yrs., Occ. Housewife,  
R/o Thadipauni, Tq. Narkhed,  
Dist. Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai- 32,
- 2) Sub-Divisional Magistrate,  
Narkhed, Tq. Narkhed, Dist. Nagpur.
- 3) Neeta S/o Rajesh Matkar,  
Age : 30 yrs., Occ. Housewife,  
R/o Thadipauni, Tq. Narkhed,  
Dist. Nagpur.

**Respondents**

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**Smt. Dawda, the Id. Advocate for the applicant.**

**Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 & 2.**

**None for the Respondent no. 3.**

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**ORIGINAL APPLICATION NO. 557 / 2016 (S.B.)**

Pushpa S/o Hemraj Siraskar,  
Age : 35 yrs., Occ. Member Mahila Bachat Gat,  
R/o Kharada, Tq. Narkhed,  
Dist. Nagpur.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai- 32,
- 2) Sub-Divisional Magistrate,  
Narkhed, Tq. Narkhed, Dist. Nagpur.
- 3) Amol S/o Bapurao Chaudhari,  
Age : 30 yrs., Occ. Agriculture,  
R/o Kharada, Tq. Narkhed,  
Dist. Nagpur.

**Respondents**

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**Smt. Dawda, the Id. Advocate for the applicant.**

**Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 & 2.**

**None for the Respondent no. 3.**

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**Coram :- Hon'ble Shri Shree Bhagwan, Vice Chairman.**

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**JUDGMENT**

**Judgment is reserved on 22<sup>nd</sup> November, 2019.**

**Judgment is pronounced on 06<sup>th</sup> January, 2020.**

Heard Mrs. Dawda, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondent nos. 1 & 2, Shri A.Girdekar, the Id. counsel for the respondent no.3 in O.A. No. 463/2016 and Shri S.M.Nafde, the Id. counsel for the respondent no. 3 in O.A. Nos. 464 & 466/2016.

None for the respondent no. 3 in O.A. Nos. 465, 467, 468, 469 & 557/2016.

2. In O.A. No. 463/2016, the applicant applied in response to proclamation for submission of forms for the post of Police Patil from 22.06.2015 till 07.07.2015 for 145 villages as mentioned in para no. 4 of reply by respondents (P.B., Pg. NO. 35) by respondent no. 2 i.e. Sub Divisional Magistrate, Katol, Nagpur. Applicant applied for the post of Police Patil of village Gondi Digras, Katol, Nagpur for the Police Patil examination of 2015. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks, the Interview committee consisted of following five members as per the G.R. of Home Department, dated 26.08.2011 (Annexure-A-2, P.B., Pg. No. 46):-

- A. Sub Divisional Magistrate (Chairman).
- B. Sub Divisional Police Officer (Member)
- C. District Social Welfare Officer (Member)
- D. District Tribal Welfare Officer (Member)
- E. Tehsildar of concerned Taluka (Member Secretary)

3. As per para 6.5 of O.A. P.B., Pg. No. 4 admittedly, for Interview following criteria was given:-

- i. Basis of his experience in Govt., Semi Govt. or private work,
- ii. Knowledge of law & order-2 marks,

- iii. Candidate's personality-3 marks,
  - iv. Educational qualification-5 marks,
  - v. Knowledge about Police Patil duty-5 marks,
  - vi. General Knowledge – 5 marks.
4. As per the para no. 6.5 and P.B., Pg. No. 5, regarding Education qualification following criteria was given:-
- S.S.C – 1 mark for education,
  - H.S.C.- 2 marks,
  - Graduation- 4 marks,
  - Post-Graduation-5 marks.
5. As per the table filed by Id. Counsel for the applicant, which is marked Exh-X for the purpose of identification. The applicant was S.S.C. and respondent no. 3 is B.A.. Hence, respondent no. 3 was having more qualification then applicant. In written test applicant got 62 marks and respondent no. 3 got 54 marks. In Interview applicant got 5 marks and respondent no. 3 got 14 marks. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks.
6. The first grievance of the applicant is that not five members as per the G.R. dated 23/08/2011 were present at the time of Interview. This has been denied by respondents in there reply para no. 11. Respondents have submitted that either concerned officer or nominee of



the officer concerned was present in the Interview Board. The Id. counsel for the applicant has not placed any reliable documents to prove that para no. 11 of the reply given by respondents is not correct.

7. In O.A. No. 464/2016, the applicant applied in response to proclamation for submission of forms for the post of Police Patil from 22.06.2015 till 07.07.2015 for 145 villages as mentioned in para no. 4 of reply by respondents (P.B., Pg. NO. 35) by respondent no. 2 i.e. Sub Divisional Magistrate, Narkhed, Nagpur. Applicant applied for the post of Police Patil of village Umri (Sindhi), Narkhed, Nagpur for the Police Patil examination of 2015. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks, the Interview committee consisted of following five members as per the G.R. of Home Department, dated 26.08.2011 (Annexure-A-2, P.B., Pg. No. 46):-

- A. Sub Divisional Magistrate (Chairman).
- B. Sub Divisional Police Officer (Member)
- C. District Social Welfare Officer (Member)
- D. District Tribal Welfare Officer (Member)
- E. Tehsildar of concerned Taluka (Member Secretary)

8. As per para 6.5 of O.A. P.B., Pg. No. 4 admittedly, for Interview following criteria was given:-

- i. Basis of his experience in Govt., Semi Govt. or private work,

- ii. Knowledge of law & order-2 marks,
- iii. Candidate's personality-3 marks,
- iv. Educational qualification-5 marks,
- v. Knowledge about Police Patil duty-5 marks,
- vi. General Knowledge – 5 marks.

9. As per the para no. 6.5 and P.B., Pg. No. 5, regarding Education qualification following criteria was given:-

S.S.C – 1 mark for education,

H.S.C.- 2 marks,

Graduation- 4 marks,

Post-Graduation-5 marks.

10. As per the table filed by Id. Counsel for the applicant, which is marked Exh-X for the purpose of identification. The applicant was S.S.C. and respondent no. 3 is H.S.C.. Hence, respondent no. 3 was having more qualification than applicant. In written test applicant got 46 marks and respondent no. 3 got 38 marks. In Interview applicant got 7 marks and respondent no. 3 got 16 marks. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks.

11. The first grievance of the applicant is that not five members as per the G.R. dated 23/08/2011 were present at the time of Interview. This has been denied by respondents in their reply para no. 11.

Respondents have submitted that either concerned officer or nominee of the officer concerned was present in the Interview Board. The Id. counsel for the applicant has not placed any reliable documents to prove that para no. 11 of the reply given by respondents is not correct.

12. In O.A. No. 465/2016, the applicant applied in response to proclamation for submission of forms for the post of Police Patil from 22.06.2015 till 07.07.2015 for 145 villages as mentioned in para no. 4 of reply by respondents (P.B., Pg. NO. 35) by respondent no. 2 i.e. Sub Divisional Magistrate, Narkhed, Nagpur. Applicant applied for the post of Police Patil of village Dawsa, Narkhed, Nagpur for the Police Patil examination of 2015. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks, the Interview committee consisted of following five members as per the G.R. of Home Department, dated 26.08.2011 (Annexure-A-2, P.B., Pg. No. 46):-

- A. Sub Divisional Magistrate (Chairman).
- B. Sub Divisional Police Officer (Member)
- C. District Social Welfare Officer (Member)
- D. District Tribal Welfare Officer (Member)
- E. Tehsildar of concerned Taluka (Member Secretary)

13. As per para 6.5 of O.A. P.B., Pg. No. 4 admittedly, for Interview following criteria was given:-

- i. Basis of his experience in Govt., Semi Govt. or private work,
- ii. Knowledge of law & order-2 marks,
- iii. Candidate's personality-3 marks,
- iv. Educational qualification-5 marks,
- v. Knowledge about Police Patil duty-5 marks,
- vi. General Knowledge – 5 marks.

14. As per the para no. 6.5 and P.B., Pg. No. 5, regarding Education qualification following criteria was given:-

S.S.C – 1 mark for education,

H.S.C.- 2 marks,

Graduation- 4 marks,

Post-Graduation-5 marks.

15. As per the table filed by Id. Counsel for the applicant, which is marked Exh-X for the purpose of identification. The applicant was M.A. and respondent no. 3 is H.S.C.. In written test applicant got 54 marks and respondent no. 3 got 50 marks. In Interview applicant got 10 marks and respondent no. 3 got 15 marks. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks.

16. The first grievance of the applicant is that not five members as per the G.R. dated 23/08/2011 were present at the time of Interview. This has been denied by respondents in there reply para no. 11.

Respondents have submitted that either concerned officer or nominee of the officer concerned was present in the Interview Board. The Id. counsel for the applicant has not placed any reliable documents to prove that para no. 11 of the reply given by respondents is not correct.

17. In O.A. No. 466/2016, the applicant applied in response to proclamation for submission of forms for the post of Police Patil from 22.06.2015 till 07.07.2015 for 145 villages as mentioned in para no. 4 of reply by respondents (P.B., Pg. NO. 35) by respondent no. 2 i.e. Sub Divisional Magistrate, Narkhed, Tq. Narkhed, Nagpur. Applicant applied for the post of Police Patil of village Sindhi, Narkhed, Nagpur for the Police Patil examination of 2015. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks, the Interview committee consisted of following five members as per the G.R. of Home Department, dated 26.08.2011 (Annexure-A-2, P.B., Pg. No. 46):-

- A. Sub Divisional Magistrate (Chairman).
- B. Sub Divisional Police Officer (Member)
- C. District Social Welfare Officer (Member)
- D. District Tribal Welfare Officer (Member)
- E. Tehsildar of concerned Taluka (Member Secretary)

18. As per para 6.5 of O.A. P.B., Pg. No. 4 admittedly, for Interview following criteria was given:-

- i. Basis of his experience in Govt., Semi Govt. or private work,
- ii. Knowledge of law & order-2 marks,
- iii. Candidate's personality-3 marks,
- iv. Educational qualification-5 marks,
- v. Knowledge about Police Patil duty-5 marks,
- vi. General Knowledge – 5 marks.

19. As per the para no. 6.5 and P.B., Pg. No. 5, regarding Education qualification following criteria was given:-

S.S.C – 1 mark for education,

H.S.C.- 2 marks,

Graduation- 4 marks,

Post-Graduation-5 marks.

20. As per the table filed by Id. Counsel for the applicant, which is marked Exh-X for the purpose of identification. The applicant was B.Ed. and respondent no. 3 is also B.Ed. In written test applicant got 47 marks and respondent no. 3 got 43 marks. In Interview applicant got 10 marks and respondent no. 3 got 15 marks. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks.

21. The first grievance of the applicant is that not five members as per the G.R. dated 23/08/2011 were present at the time of Interview. This has been denied by respondents in there reply para no. 11.

Respondents have submitted that either concerned officer or nominee of the officer concerned was present in the Interview Board. The Id. counsel for the applicant has not placed any reliable documents to prove that para no. 11 of the reply given by respondents is not correct.

22. In O.A. No. 467/2016, the applicant applied in response to proclamation for submission of forms for the post of Police Patil from 22.06.2015 till 07.07.2015 for 145 villages as mentioned in para no. 4 of reply by respondents (P.B., Pg. NO. 35) by respondent no. 2 i.e. Sub Divisional Magistrate, Katol, Tq. Katol, Nagpur. Applicant applied for the post of Police Patil of village Fetri, Katol, Nagpur for the Police Patil examination of 2015. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks, the Interview committee consisted of following five members as per the G.R. of Home Department, dated 26.08.2011 (Annexure-A-2, P.B., Pg. No. 46):-

- A. Sub Divisional Magistrate (Chairman).
- B. Sub Divisional Police Officer (Member)
- C. District Social Welfare Officer (Member)
- D. District Tribal Welfare Officer (Member)
- E. Tehsildar of concerned Taluka (Member Secretary)

23. As per para 6.5 of O.A. P.B., Pg. No. 4 admittedly, for Interview following criteria was given:-

- i. Basis of his experience in Govt., Semi Govt. or private work,
- ii. Knowledge of law & order-2 marks,
- iii. Candidate's personality-3 marks,
- iv. Educational qualification-5 marks,
- v. Knowledge about Police Patil duty-5 marks,
- vi. General Knowledge – 5 marks.

24. As per the para no. 6.5 and P.B., Pg. No. 5, regarding Education qualification following criteria was given:-

S.S.C – 1 mark for education,

H.S.C.- 2 marks,

Graduation- 4 marks,

Post-Graduation-5 marks.

25. As per the table filed by Id. Counsel for the applicant, which is marked Exh-X for the purpose of identification. The applicant was S.S.C. and respondent no. 3 is H.S.C.. Hence, respondent no. 3 was having more qualification than applicant. In written test applicant got 60 marks and respondent no. 3 got 56 marks. In Interview applicant got 9 marks and respondent no. 3 got 14 marks. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks.

26. The first grievance of the applicant is that not five members as per the G.R. dated 23/08/2011 were present at the time of Interview.



This has been denied by respondents in their reply para no. 11. Respondents have submitted that either concerned officer or nominee of the officer concerned was present in the Interview Board. The Id. counsel for the applicant has not placed any reliable documents to prove that para no. 11 of the reply given by respondents is not correct.

27. In O.A. No. 468/2016, the applicant applied in response to proclamation for submission of forms for the post of Police Patil from 22.06.2015 till 07.07.2015 for 145 villages as mentioned in para no. 4 of reply by respondents (P.B., Pg. NO. 35) by respondent no. 2 i.e. Sub Divisional Magistrate, Narkhed, Tq. Narkhed, Nagpur. Applicant applied for the post of Police Patil of village Rohana, Tq. Narkhed, Nagpur for the Police Patil examination of 2015. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks, the Interview committee consisted of following five members as per the G.R. of Home Department, dated 26.08.2011 (Annexure-A-2, P.B., Pg. No. 46):-

- A. Sub Divisional Magistrate (Chairman).
- B. Sub Divisional Police Officer (Member)
- C. District Social Welfare Officer (Member)
- D. District Tribal Welfare Officer (Member)
- E. Tehsildar of concerned Taluka (Member Secretary)

28. As per para 6.5 of O.A. P.B., Pg. No. 4 admittedly, for Interview following criteria was given:-

- i. Basis of his experience in Govt., Semi Govt. or private work,
- ii. Knowledge of law & order-2 marks,
- iii. Candidate's personality-3 marks,
- iv. Educational qualification-5 marks,
- v. Knowledge about Police Patil duty-5 marks,
- vi. General Knowledge – 5 marks.

29. As per the para no. 6.5 and P.B., Pg. No. 5, regarding Education qualification following criteria was given:-

S.S.C – 1 mark for education,

H.S.C.- 2 marks,

Graduation- 4 marks,

Post-Graduation-5 marks.

30. As per the table filed by Id. Counsel for the applicant, which is marked Exh-X for the purpose of identification. The applicant was S.S.C. and respondent no. 3 is also S.S.C.. In written test applicant got 56 marks and respondent no. 3 got 53 marks. In Interview applicant got 9 marks and respondent no. 3 got 13 marks. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks.

31. The first grievance of the applicant is that not five members as per the G.R. dated 23/08/2011 were present at the time of Interview. This has been denied by respondents in their reply para no. 11. Respondents have submitted that either concerned officer or nominee of the officer concerned was present in the Interview Board. The Id. counsel for the applicant has not placed any reliable documents to prove that para no. 11 of the reply given by respondents is not correct.

32. In O.A. No. 469/2016, the applicant applied in response to proclamation for submission of forms for the post of Police Patil from 22.06.2015 till 07.07.2015 for 145 villages as mentioned in para no. 4 of reply by respondents (P.B., Pg. NO. 35) by respondent no. 2 i.e. Sub Divisional Magistrate, Narkhed, Tq. Narkhed, Nagpur. Applicant applied for the post of Police Patil of village Thadipauni, Tq. Narkhed, Nagpur for the Police Patil examination of 2015. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks, the Interview committee consisted of following five members as per the G.R. of Home Department, dated 26.08.2011 (Annexure-A-2, P.B., Pg. No. 46):-

- A. Sub Divisional Magistrate (Chairman).
- B. Sub Divisional Police Officer (Member)
- C. District Social Welfare Officer (Member)
- D. District Tribal Welfare Officer (Member)

E. Tehsildar of concerned Taluka (Member Secretary)

33. As per para 6.5 of O.A. P.B., Pg. No. 4 admittedly, for Interview following criteria was given:-

- i. Basis of his experience in Govt., Semi Govt. or private work,
- ii. Knowledge of law & order-2 marks,
- iii. Candidate's personality-3 marks,
- iv. Educational qualification-5 marks,
- v. Knowledge about Police Patil duty-5 marks,
- vi. General Knowledge – 5 marks.

34. As per the para no. 6.5 and P.B., Pg. No. 5, regarding Education qualification following criteria was given:-

S.S.C – 1 mark for education,

H.S.C.- 2 marks,

Graduation- 4 marks,

Post-Graduation-5 marks.

35. As per the table filed by Id. Counsel for the applicant, which is marked Exh-X for the purpose of identification. The applicant was B.A. and respondent no. 3 is H.S.C.. In written test applicant got 41 marks and respondent no. 3 got 39 marks. In Interview applicant got 12 marks and respondent no. 3 got 15 marks. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks.

36. The first grievance of the applicant is that not five members as per the G.R. dated 23/08/2011 were present at the time of Interview. This has been denied by respondents in their reply para no. 11. Respondents have submitted that either concerned officer or nominee of the officer concerned was present in the Interview Board. The Id. counsel for the applicant has not placed any reliable documents to prove that para no. 11 of the reply given by respondents is not correct.

37. In O.A. No. 557/2016, the applicant applied in response to proclamation for submission of forms for the post of Police Patil from 22.06.2015 till 07.07.2015 for 145 villages as mentioned in para no. 4 of reply by respondents (P.B., Pg. NO. 35) by respondent no. 2 i.e. Sub Divisional Magistrate, Narkhed, Tq. Narkhed, Nagpur. Applicant applied for the post of Police Patil of village Kharada, Tq. Narkhed, Nagpur for the Police Patil examination of 2015. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks, the Interview committee consisted of following five members as per the G.R. of Home Department, dated 26.08.2011 (Annexure-A-2, P.B., Pg. No. 46):-

- A. Sub Divisional Magistrate (Chairman).
- B. Sub Divisional Police Officer (Member)
- C. District Social Welfare Officer (Member)
- D. District Tribal Welfare Officer (Member)

E. Tehsildar of concerned Taluka (Member Secretary)

38. As per para 6.5 of O.A. P.B., Pg. No. 4 admittedly, for Interview following criteria was given:-

- i. Basis of his experience in Govt., Semi Govt. or private work,
- ii. Knowledge of law & order-2 marks,
- iii. Candidate's personality-3 marks,
- iv. Educational qualification-5 marks,
- v. Knowledge about Police Patil duty-5 marks,
- vi. General Knowledge – 5 marks.

39. As per the para no. 6.5 and P.B., Pg. No. 5, regarding Education qualification following criteria was given:-

S.S.C – 1 mark for education,

H.S.C.- 2 marks,

Graduation- 4 marks,

Post-Graduation-5 marks.

40. As per the table filed by Id. Counsel for the applicant, which is marked Exh-X for the purpose of identification. The applicant was H.S.C. and respondent no. 3 is also H.S.C.. In written test applicant got 63 marks and respondent no. 3 got 50 marks. In Interview applicant got 4 marks and respondent no. 3 got 18 marks. As per the G.R. dated 22/08/2014(Annexure-A-1, P.B., Pg. No. 43) written test was conducted for 80 marks and Interview was conducted for 20 marks.

41. The first grievance of the applicant is that not five members as per the G.R. dated 23/08/2011 were present at the time of Interview. This has been denied by respondents in their reply para no. 11. Respondents have submitted that either concerned officer or nominee of the officer concerned was present in the Interview Board. The Id. counsel for the applicant has not placed any reliable documents to prove that para no. 11 of the reply given by respondents is not correct.

42. As submitted by Id. Counsel for the applicant there is no grievance regarding written test, the grievance is only related to marks given in Interview. About first contention that not all five members were present at the time of Interview as per the G.R. dated 23/08/2011. The Respondents have clarified in their reply in para no. 11 and Id. Counsel for the applicant has not placed any document contradictory to the reply.

43. The second grievance of the applicant is that applicant was awarded lesser marks than respondent no. 3 by Interview Committee. However, Id. Counsel for the applicants have not presented any document or evidence which can prove that Interview Committee was biased or having enmity with the applicant. The appointment letter was issued in O.A. No. 463/2016 on 20/06/2016 (Annexure-R-3, Pg. No. 57) along with return on behalf of respondent no. 3. Clause 11 of this letter was mentioned that appointment will be for one year as temporary and after that it will be renewed for five years from 20.06.2016 now 3½ years

are already lapsed and only balanced period of 1½ year is remaining. The Id. P.O. has also relied upon Hon'ble Supreme Court Judgment in the case of **Buddhi Nath Chaudhary & Ors. Vs. Abahi Kumar & Ors. (2001) 3 Supreme Court Cases 328.**

44. The Id. Counsel for the applicant has relied upon Judgment in O.A. No. 113/2016 of M.A.T., Nagpur Bench delivered on 03.04.2017 in the name of **Shri Mulchand Deochande Mohabe & 4 Ors. Vs. The State of Maharashtra & 59 Ors. In that Para Nos. 18, 19 & 20 are below:-**

*18. The selected candidates were not earlier joined as respondents in this case but consequently the selected candidates have been joined as respondent nos.3 to 60. The learned counsel for respondent nos.3 to 60 has placed reliance on the Judgment delivered by Apex Court reported in (1995) 3 SCC 486 Mandanlal & Ors. Vs. State of Jammu and Kashir & Ors. In para-9 of the said Judgment the Hon'ble Apex Court has observed as under :-*

*“(9) Before dealing with this contention, we must keep in view the salient fact that the petitioners as well as the contesting successful candidates being respondents concerned herein, were all found eligible in the light of marks obtained in the written test, to be eligible to be called for oral interview. Up to this stage there is no dispute between the parties. The petitioners also appeared at the oral interview conducted by the Members concerned of the Commission who interviewed the petitioners as well as the contesting respondents concerned. Thus, the petitioners took a chance to get 14 O.A.No.113 of 2016 themselves selected at the said oral interview. Only because they did not find themselves to have emerged successful as a result of their combined performance both at written test and oral interview, they have filed this petition. It is now well settled that if a candidate takes a calculated chance and appears at the interview, then, only because the result of*



*the interview is not palatable to him, he cannot turn round and subsequently contend that the process of interview was unfair or the Selection Committee was not properly constituted. In the case of Om Prakash Shukla V. Akhilesh Kumar Shukla it has been clearly laid down by a Bench of three learned Judges of this Court that when the petitioner appeared at the examination without protest and when he found that he would not succeed in examination he filed a petition challenging the said examination, the High Court should not have granted any relief to such a petitioner.*

19. *The learned counsel for the private respondent nos. 3 to 60 also placed reliance on the Judgment reported in (2015) 11 SCC 493 Pradeep Kumar Rai & Ors. Vs. Dinesh Kumar Pandey & Ors., wherein it has been held that challenge to selection process after participating in interview and declaration of adverse result, held, is not maintainable. The Hon'ble Apex Court observed that once the appellants had participated in the selection process without raising objections, they cannot be allowed to challenge the process after being declared unsuccessful. The candidates cannot approbate and reprobate. Either candidates should not have participated in the 15 O.A.No.113 of 2016 interview or they should have challenged the procedure immediately after interviews were conducted.*

20. *On a conspectus of discussion in foregoing paras and considering the facts that the applicants have already taken part in the selection process and never challenged the same and after declared unsuccessful, I am of the opinion that the challenge to the selection process is not bonafied and in fact the applicants have no locus standi to challenge the process once they have participated in the same. No prejudice has been caused to the applicants since the same selection committee has applied similar scale for all the candidates. No malafides are pleaded against the selection committee and therefore merely because one of the members of the committee was substituted that too by equally competent officer, it cannot be said that the process was vitiated in the given circumstances.*

45. The application is barred by time limit also as per Section 21 of M.A.T. Act, 1985. In view of discussions in foregoing paras and since no concrete evidence is produced about biasness or enmity of Interview Committee against the applicant, I don't find any reason to interfere in this appointment process at this stage. Hence, the following order:-

**ORDER**

The O.As. are dismissed with no order as to costs.

**(Shri Shree Bhagwan)  
Vice Chairman**

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

Name of Steno : Akhilesh Parasnath Srivastava.  
Court Name : Court of Hon'ble Vice Chairman.  
  
Judgment signed on : 06/01/2020.  
and pronounced on  
  
Uploaded on : 07/01/2020.