

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 716/2017 (D.B.)**

Raju S/o Babanrao Deshmukh,
aged about 43 years, Occ. Service,
R/o at post Mothegaon,
District Washim.

Applicant.

Versus

- 1) State of Maharashtra,
through Principal Secretary,
Department of Revenue & Forest,
Mantralaya, Mumbai.
- 2) The Collector,
Washim having office at Court Road,
Washim.
- 3) Babu S/o Kashiba Manmothe,
Aged about Major, Occ. Service,
R/o Tq. Risod, Dist. Washim.
- 4) Datta S/o Sakharam Taktode,
Aged about Major, Occ. Service,
R/o C/o Collector, Washim.
- 5) Vijay S/o Vasanta Sonune,
Aged about Major, Occ. Service,
Collector Office, Washim, Dist. Washim.
- 6) Mungshiram S/o Sakharam Raut,
Aged about Major, Occ. Service,
R/o Tq. Manora, Dist. Washim.
- 7) Yogesh S/o Ramesh Ingole,
Aged about Major, Occ. Service,
R/o Tq. Karanja, Dist. Washim.

- 8) Ganesh S/o Ashok Chouke,
Aged about Major, Occ. Service,
R/o Tq. Karanja, Dist. Washim.
- 9) Devidas S/o Pralhad Kakad,
Aged about Major, Occ. Service,
R/o Tq. Karanja, Dist. Washim.
- 10) Vishal S/o Dattatray Napte,
Aged about Major, Occ. Service,
R/o Tq. Malegaon, Dist. Washim.

Respondents.

Shri T.S. Deshpande, Advocate for the applicant.

Shri A.M. Khadatkhar, P.O. for respondent nos. 1&2.

Shri V.B. Gawali, Advocate for respondent nos.3 to 10.

WITH
ORIGINAL APPLICATION No. 732/2017 (D.B.)

Kailash Vitthal Kamble,
Aged about 33 years, Occ. Service,
R/o Mouza Bandi Post Mandwa, Tq. Risod,
District Washim.

Applicant.

Versus

- 1) State of Maharashtra,
through Principal Secretary,
Department of Revenue & Forest,
Mantralaya, Mumbai.
- 2) The Collector,
Washim having office at Court Road,
Washim.
- 3) Babu S/o Kashiba Manmothe,
Aged about Major, Occ. Service,
R/o Tq. Risod, Dist. Washim.
- 4) Datta S/o Sakharam Taktode,
Aged about Major, Occ. Service,
R/o C/o Collector, Washim.

- 5) Vijay S/o Vasanta Sonune,
Aged about Major, Occ. Service,
Collector Office, Washim, Dist. Washim.
- 6) Mungshiram S/o Sakharam Raut,
Aged about Major, Occ. Service,
R/o Tq. Manora, Dist. Washim.
- 7) Yogesh S/o Ramesh Ingole,
Aged about Major, Occ. Service,
R/o Tq. Karanja, Dist. Washim.
- 8) Ganesh S/o Ashok Chouke,
Aged about Major, Occ. Service,
R/o Tq. Karanja, Dist. Washim.
- 9) Devidas S/o Pralhad Kakad,
Aged about Major, Occ. Service,
R/o Tq. Karanja, Dist. Washim.
- 10) Vishal S/o Dattatray Napte,
Aged about Major, Occ. Service,
R/o Tq. Malegaon, Dist. Washim.

Respondents.

Shri A.S. Deshpande, Advocate for the applicant.

Shri A.M. Khadatkhar, P.O. for respondent nos. 1&2.

Shri V.B. Gawali, Advocate for respondent nos.3 to 10

**Coram :- Shri Shree Bhagwan,
Vice-Chairman and
Shri Anand Karanjkar, Member (J).**

Date of Reserving for Judgment : 7th October, 2019.

Date of Pronouncement of Judgment : 3rd January, 2020.

COMMON JUDGMENT**Per : Anand Karanjkar : Member (J).****(Delivered on this 3rd day of January, 2020)**

Heard Shri T.S. Deshpande, learned counsel for the applicants, Shri A.M. Khadatkar, learned P.O. for respondent nos.1&2 and Shri V.B. Gawali, learned counsel for other respondents.

2. Both the applicants have filed the O.As. to challenge the decision of respondent no.2 appointing respondent nos. 3 to 10 on the Class-IV posts and not appointing the applicants. The facts in brief are as under –

3. Both the applicants were engaged in service on the post of Kotwal in the year 2005. As there was no promotional avenue for the post of Kotwal, therefore, policy decision was taken by the Government of Maharashtra to appoint the Kotwals/ promote the Kotwals on Class-IV post and quota was reserved for this purpose. It is submitted that in December,2016 both the applicants applied for the post of Peon on the establishment of respondent no.2 as they were fulfilling the requirements.

4. It is contention of the applicant Shri Raju B. Deshmukh that he was called for the interview scheduled on 10/4/2017, 24/4/2017 & 15/7/2017, but for some reasons the interviews were cancelled. Lateron the applicant learnt that the respondent nos. 3 to

10 were appointed on Class-IV posts and interviews were held on 18/7/2017. It is submitted that the applicant was not called for interview on 18/7/2017 though he was qualified. According to the applicant, two posts were available for Open category and therefore it was incumbent on the respondent no.2 to call 10 candidates for the interview, but it was not done. In these circumstances, the O.A.No.716/2017 it is submitted that the procedure followed by the respondent no.2 is illegal, hence, the recruitment process be quashed and direction be given to the respondents to conduct recruitment process afresh.

5. In O.A.732/2017 it is contended by the applicant Shri Kailash V. Kamble that he was eligible to be appointed in S.C. quota and Open quota, but he was not called for interview held on 18/7/2017 and behind his back the interviews were held and the respondent nos. 3 to 10 were appointed vide order dated 19/7/2017. It is submission of the applicant Shri Kailash V. Kamble that procedure followed by the respondent no.2 is illegal, therefore, recruitment process be quashed and direction be given to conduct fresh recruitment process.

6. In both the matters, all the respondents have filed their reply. In O.A.716/2017 it is contended by the respondents that initially two posts were available for Open category candidates, therefore, the applicant was called for interview, but thereafter Shri P.B. Chavan,

Driver came to be reverted to the post of Peon vide order dated 15/7/2017, consequently only one post was available to promote Shri Kailash V. Kamble. It is contended by the respondents that as per the Government Circular as only one post was available, 5 Kotwals were called for interview. The applicant was at sr.no.8 in the Open category, he was not within the 5 candidates to be called for interview, consequently, the applicant Shri Raju B. Deshmukh was not called for interview which was held on 18/7/2017. The respondent nos. 1&2 have submitted that after receiving the representation from the applicant, information was given in writing as to why the applicant was not called for interview which was held on 18/7/2017. The applicant suppressed this fact and filed the present application. It is submitted that another senior candidate Shri B.K. Manmothe was appointed on the post of Peon and consequently there was no reason to file O.A.

7. In O.A.732/2017 it is submitted that the applicant is coming with a false contention that he was not called for interview. It is submitted by the respondents that the attendant sheets of the candidates who were called for interview on 15/7/2017 and 18/7/2017 are signed by the applicant Shri Kailash V. Kamble. It is submitted that as per the merit and seniority the posts are filled, consequently, there is no substance in the application.

8. We have perused the documents filed by the respondents. There is no dispute about the facts that two posts of Peon were available for the Open category and Shri Raju B. Deshmukh was Open category candidate and as per the seniority he was at sr.no.8. The respondents have filed the order passed by the Collector, Washim on 15/7/2017, by this order, Shri P.B. Chavan, Motor Vehicle Driver was reverted to the post of Peon. After perusing the Note sheet, it seems that 5 candidates were called for one post of Open category. As the applicant Shri Raju B. Deshmukh was at sr.no.8, he was not called. Thus, it appears that as per the Circular as one post was to be filled in Open category, as per the seniority 5 candidates were called, therefore, we do not see any merit in the contention that illegality is committed by the respondent no.2 in not calling Raju B. Deshmukh for the interview which was held on 18/7/2017. In view of this, we do not see any merit in the contention of the applicant Shri Raju B. Deshmukh.

9. So far as Shri Kailash V. Kamble is concerned, he came with a false contention that he was not called for interview on 18/7/2017. As a matter of fact, one post available for S.C. category was filled by appointing one candidate on compassionate ground and other two candidates senior to Kailash Kamble were appointed. It also appears that the applicant Shri Kailash V. Kamble was called for

interview on 18/7/2017 in Open category and attendant sheet is signed by him. It is obvious that the applicant Shri Kailash V. Kamble made false allegation that he was not called for interview on 18/7/2017. It seems that the respondent no.3 was senior to Shri Kailash V. Kamble, therefore, he was appointed in Open category though he was belonging to S.C. category.

10. In view of this, there appears no substance in O.A.732/2017. Hence, the following order-

ORDER

Both the O.As. stand disposed of. No order as to costs.

(Anand Karanjkar)
Member(J).

(Shree Bhagwan)
Vice-Chairman.

Dated :- 03/01/2020.

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble V.C. and Member (J).

Judgment signed on : 02/01/2020.

Uploaded on : 03/01/2020.