

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI

ORIGINAL APPLICATION NOS.1069 TO 1074 OF 2016

DISTRICT : NASHIK

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ORIGINAL APPLICATION NO.1069 OF 2016

Pratibha Kiran Sahane. )  
Age : 31 Yrs., Occu.: Nil, R/o. At Post Nalwadi, )  
Taluka Sinnar, District : Nashik. )...Applicant

**Versus**

1. The State of Maharashtra. )  
Through the Secretary, )  
Home Department, Mantralaya, )  
Mumbai 400 032. )
2. District Collector, Nashik. )
3. Sub-Divisional Magistrate. )  
Niphad Sub-Division, Niphad. )
4. Smt. Mina Ganpat Darade. )  
Occu.: Nil, R/o. At Post Nalwadi, )  
Tal.: Sinnar, District : Nashik. )...Respondents

**WITH**

ORIGINAL APPLICATION NO.1070 OF 2016

Shantaram Sudam Kokate. )  
Age : 36 Yrs., Occu.: Nil, R/o. At Post Shrirampur )  
Taluka Sinnar, District : Nashik. )...Applicant

**Versus**

1. The State of Maharashtra. )  
Through the Secretary, )  
Home Department, Mantralaya, )  
Mumbai 400 032. )
2. District Collector, Nashik. )
3. Sub-Divisional Magistrate. )  
Niphad Sub-Division, Niphad. )
4. Shri Ravindra B. Handore. )  
Occu.: Agriculturist, R/o. At )  
Shrirampur, Post : Panchale, )  
Tal.: Sinnar, District : Nashik. )...**Respondents**

**WITH****ORIGINAL APPLICATION NO.1071 OF 2016**

- Kailas Nivrutti Ghule. )  
Age : 38 Yrs., Occu.: Nil, R/o. At Post Eklahare, )  
Taluka Sinnar, District : Nashik. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through the Secretary, )  
Home Department, Mantralaya, )  
Mumbai 400 032. )
2. District Collector, Nashik. )
3. Sub-Divisional Magistrate. )  
Niphad Sub-Division, Niphad. )
4. Shri Sandeep G. Ghule. )  
Occu.: Agriculturist, R/o. At Eklahare, )  
Post : Vadangali, Tal.: Sinnar, )  
District : Nashik. )...**Respondents**

WITH

**ORIGINAL APPLICATION NO.1072 OF 2016**

Ashok D. Dhonnar. )  
 Occu.: Nil, R/o. At Post Hiware, )  
 Taluka Sinnar, District : Nashik. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
 Through the Secretary, )  
 Home Department, Mantralaya, )  
 Mumbai 400 032. )
2. District Collector, Nashik. )
3. Sub-Divisional Magistrate. )  
 Niphad Sub-Division, Niphad. )
4. Shri Keshav R. Binnar. )  
 Age : 32 Yrs., Occu.: Nil, )  
 R/o. Hiware, Tal.: Sinnar, Dist : Nashik. )...**Respondents**

WITH

**ORIGINAL APPLICATION NO.1073 OF 2016**

Dnyaneshwar S. Sabale. )  
 Age : 33 Yrs., Occu.: Nil, R/o. At Post Dapur, )  
 Taluka Sinnar, District : Nashik. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
 Through the Secretary, )  
 Home Department, Mantralaya, )  
 Mumbai 400 032. )

2. District Collector, Nashik. )  
3. Sub-Divisional Magistrate. )  
Niphad Sub-Division, Niphad. )  
4. Shri Navnath S. Bodake. )  
Age : 34 Yrs., Occu.: Agriculturist, R/o. )  
Dapur, Tal.: Sinnar, District : Nashik. )...Respondents

**WITH**

**ORIGINAL APPLICATION NO.1074 OF 2016**

- Yogeshwar S. Kedar. )  
Age : 33 Yrs., Occu.: Nil, R/o. At Post Kedarpur, )  
Taluka Sinnar, District : Nashik. )...Applicant

**Versus**

1. The State of Maharashtra. )  
Through the Secretary, )  
Home Department, Mantralaya, )  
Mumbai 400 032. )  
2. District Collector, Nashik. )  
3. Sub-Divisional Magistrate. )  
Niphad Sub-Division, Niphad. )  
4. Shri Mohan U. Bodake. )  
Occu.: Agriculturist, R/o. At Kedarpur, )  
Post : Datali, Tal.: Sinnar, District Nashik.)...Respondents

**Mr. P.S. Pathak, Advocate for Applicants.**

**Ms. S.P. Manchekar, Chief Presenting Officer for Respondents 1 to 3 in all O.As.**

**Mr. K.S. Tambe, Advocate for Respondent No.4 in all O.As. is absent.**

**CORAM : SHRI A.P. KURHEKAR, MEMBER-J**

**DATE : 11.01.2019**

**JUDGMENT**

1. These Original Applications pertain to the appointment of Police Patil of six different Villages in Nashik District arising from common question of law and facts, and therefore, being decided by the common Order.
2. Briefly stated facts giving rise to these applications are as follows :

The Respondent No.3 (Sub-Divisional Magistrate, Niphad) had published Circular (Jahirnama) dated 17<sup>th</sup> February, 2016 in terms of G.R.No.BVP/0611/CR419/POL-8, dated 23.08.2011 and G.R. No.BVP/1113/1767/CR592/POL-8, dated 22.08.2014 and thereby called applications to fill-in the post of Police Patil of various places in Nashik District. As per the above referred G.Rs, there shall be Written Examination of 80 marks and oral examination of 20 marks. Accordingly, the Applicants have applied for the post of Police Patil. They appeared in Written Examination held on 24<sup>th</sup> April, 2016 and having cleared Written Examination, they were orally interviewed in between 10<sup>th</sup> May, 2016 to 13<sup>th</sup> May, 2016. In these examinations, the Applicants were declared successful and expecting appointment order in their favour.

However, to their surprise, the Respondent No.3 by his communication dated 27<sup>th</sup> June, 2016 purportedly issued on the basis of communication of Collector (Respondent No.2) dated 21<sup>st</sup> June, 2016 thereby stating that he received some complaints about the variance and discrimination in the marks allotted to some of the candidates in interview and the Applicants were called upon as to why their selection should not be cancelled and re-interview should not be taken. Having said so, they were called upon to remain present personally in the Office of S.D.O. on 07.07.2016. Being aggrieved by it, the Applicants have earlier filed O.A.No.655 to 660 of 2016 (1<sup>st</sup> round of litigation)

challenging the communication dated 27.06.2016. However, those were disposed of on the basis of statement made by Respondent No.3 to withdraw the said communication dated 27.06.2017 and on that basis, the O.As were disposed of on 05.07.2016.

However again, the Respondent No.3 revived the complaints filed by some of the unsuccessful candidates earlier. It appears that an enquiry was conducted about the selection process by the Committee under the Chairmanship of Respondent No.3 on 14.07.2016. The said Committee came to the conclusion that, no fault could be found in the said selection of the Applicants. However, the Committee observed that as the complainants / objectors have shown no confidence in the selection process and the findings in Enquiry Report may not be acceptable to the complainants, it opined that fresh interviews should be held by some other Committee. By communication dated 07.01.2017, the Respondent No.2 informed the Respondent No.3 that he is competent authority under the Maharashtra Police Act, 1967, and therefore, directed to take appropriate decision in that behalf. In the meanwhile, the then S.D.O. has been transferred and his successor has been appointed and was directed to do the needful.

3. The Respondent Nos.1 to 3 have filed common Affidavit-in-reply in O.A.No.1069/2016 and it is treated as a common reply in all these O.As. The Respondent Nos.1 to 3 pleaded that in view of complaints received by Respondent No.2 after declaration of results, directions were given to Respondent No.3 to enquire into it. Accordingly, the Committee headed by Respondent No.3 examined the process. As per the decision of the Committee recorded on 14.07.2016, to have transparency, it was decided to hold re-interview of the eligible candidates afresh. It was aimed to give fair opportunity to all eligible candidates and keep their faith in the process intact.

4. These O.As were heard by the then Hon'ble Member and decided by order dated 11.08.2017 thereby dismissing the applications. In the said order, the Tribunal held that, as the Respondent No.3 himself decided to take interview afresh to avoid further complaints in the matter, there could be no prejudice to the Applicants as they will also get an opportunity of re-interview. With this observation, the applications were dismissed.

5. Being aggrieved by it, the Applicants have filed Writ Petition Nos.11562 to 11564 of 2017 with 13944 to 13946 of 2017 (Pratibha K. Sahane & Ors. Vs. The State of Maharashtra & Ors.). The said Writ Petitions were heard and decided by Hon'ble High Court on 05.01.2018 and the matters are again remitted back to the Tribunal with the observation that the Tribunal should have examined whether the Respondents are justified in again calling the candidates for re-interview only on the ground that the complainants shown no confidence in the Committee and Tribunal has erred in dismissing the applications without touching this material aspect. With these observations, the matter has been remitted back to this Tribunal with liberty to the Applicants to implead the complainants as Respondents.

6. On receipt of order of Hon'ble High Court, the candidate who secured marks next to the Applicant was impleaded as Respondent No.4 in all these O.As. However, the newly added Respondent No.4 has filed reply only in O.A.Nos.1070/2016, 1072/2016 and 1073/2016. Whereas, in remaining O.As, the newly added Respondent No.4 preferred not to file reply.

7. In O.A.1070/2016, the Respondent No.4 in reply (Page 80 of P.B.) raised three grounds challenging the selection of the Applicant. He contends that, though he has passed English Typing Examination and MSCIT Examination, he was not allotted marks as per the criteria laid down by the Committee itself. Furthermore, he had also participated in NSS activities for two years, but no

marks were allotted to him, which required to be allotted as per the criteria of the Committee. He, therefore, supported the decision of Respondent No.3 to hold interview afresh.

8. In O.A.No.1072/2016, the newly added Respondent No.4 has filed Affidavit-in-reply (Page 78 of P.B.) thereby supporting the decision of the Committee to hold interview afresh in view of the complaint made by him after declaration of result. He raised the plea that he had produced Certificate of Typing Examination and also participated in Sports activities, therefore, he was entitled to additional mark as per the criteria of the Committee.

9. In O.A.No.1073/2016, the newly added Respondent No.4 filed Affidavit-in-reply (Page 76 of P.B.) supporting the decision of Respondent No.3 to hold fresh interview in view of the complaint made by him about the allotment of marks in interview. He sought to contend that he had passed MSCIT as well as participated in NSS activities, and therefore, was entitled to have marks for this qualification in view of the criteria of the Committee.

10. Heard Shri P.S. Pathak, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

11. On the date of argument, the learned Advocate for Respondent No.4 was absent. However, later, he had filed written notes of argument. I have gone through it.

12. Today, the matter is for hearing under the caption of 'Part Heard Final Hearing Matters' for some clarification, as some of the points were not dealt with appropriately in the earlier hearings. Today, accordingly, heard Shri Uday Waranjikar holding for Shri Pathak and also heard Ms. S.P. Manchekar, learned C.P.O.



13. Today, again, the learned Advocate for Respondent No.4 is absent. The Respondent No.4 in O.A.1073/2016 and 1072/2016 are present. They requested for some time as their Advocate is not available today. However, I am not inclined to grant further time, as the written notes of argument filed by Respondent No.4 later on is already on record.

14. At the very outset, it is necessary to mention that while remanding the matter to the Tribunal by Hon'ble High Court in Para No.7 of the Judgment dated 05.01.2018 held as follows :

*“7. In the present case, the Committee which conducted inquiry having come to the conclusion that there was nothing wrong in the selection process, the Tribunal, in our opinion, should have examined whether the respondents are justified in again calling the candidates for re-interview only on the ground that the complainants showed no confidence in the Committee.”*

15. As such, the crux of the matter is whether the Respondent No.3 was justified in again calling the candidates for re-interview only on the ground that the complainants showed no confidence in the Committee. The Hon'ble High Court in Para No.6 also observed that the Tribunal has virtually assigned no reason while dismissing the O.As and also referred to the Judgment of Hon'ble Apex Court in **2006 (6) SCC 395 (K.H. Siraj Vs. High Court of Kerala and Ors.)** wherein in Para Nos.5 and 6 held as under :

*“5. We have heard learned Counsel for the petitioners and learned AGP for the respondents. We have gone through the inquiry report of the committee which inquiry was held on 14<sup>th</sup> July, 2016. It is not in dispute that the committee has come to the conclusion that there was nothing illegal or wrong with the selection process in which the petitioners were selected as police Patils. It appears that it is only on the assumption that the select list may face legal hurdles in future that the Committee decided to recuse itself from conducting re-interviews. Another reason given by the Committee is that the complaints have shown no confidence in the Committee.*

6. *We find that the Tribunal has virtually assigned no reasons while dismissing the O.As. The Apex Court in the case of K.H. Siraj Vs. High Court of Kerala & Ors., 2006 (6) SCC 395, has held that 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."*

16. At this juncture, it would be apposite to reproduce the relevant portion from the report of the Committee headed by S.D.O. dated 14.07.2016 which is as follows :

“सबब फेरतापसणीसाठी आज झालेल्या बैठकीमध्ये एकुण ६ गावांची फेरतापसणी करण्यात आलेली आहे. विशेषतः ज्या मुदयांसाठी फेरतापसणी करावी असे मात्र जिल्हादंडाधिकारी यांनी आदेशीत केले आहे तो मुद्या म्हणजे मा. जिल्हादंडाधिकारी यांना अपेक्षित असलेले गुण व इकडील गुणावदान तक्ता यातील ती तफावत आहे.

तथापि मात्र जिल्हादंडाधिकारी यांना अपेक्षित असलेले गुण हे समितीने मुलाखतीदरम्यान तसेच फेरतापसणीमध्ये विचारात घेतलेले नाही कारण अपेक्षित असलेल्या गुणांबाबत कुठल्याही स्वरूपाचे लेखी आदेश अथवा तक्ता, नमुना मुलाखत समितीस या पूर्वी झालेल्या मुलाखतीवेळी प्राप्त झालेला नाही.

महाराष्ट्र ग्राम पोलीस नेमणुक, परिश्रमिक भत्ते आणि सेवा शर्ती आदेश १९६८ मधील नियम ५ -१- नुसार पोलीस पाटील पदासाठी प्रथम निवड घोषित केली जाते व नियम ५ अ -१- नुसार निवड झालेल्या उमेदवाराला नियुक्ती दिली जाते म्हणजेच निवड व नियुक्तीसाठी नियमात स्वतंत्रपणे तरतुद केलेली आहेत प्रस्तुतच्या ६ गांवात ज्या उमेदवारांचील निवड झालेली आहे, त्यांना अदयाप नियुक्ती दिलेली नाही. त्यामुळे शासन निर्णय क्रमांक बीव्हीपी.०२९९/सीआर/५६/पोल-५८ दिनांक ७/९/१९९९ मध्ये ज्या ठिकाणी एखादी नियुक्ती ही कायदेशीररीत्या अन्यायकारक वाटणारी अथवा अन्य कारणांसाठी ती रद्द करुन फेरमुलाखत घेण्याचे अधिकार जरी दिलेले असले तरी वरील ६ गांवात नियुक्ती दिलेली नाही.

मात्र तक्रारदार यांनी गुणावदान तक्त्यातील तफावतीवरच भर देवुन तक्रारी केलेल्या आहेत म्हणजेच त्यांनी मुलाखतीच्या बाबतीत समितीवर अविश्वास अविश्वास दाखवून संशय व्यक्त केलेला आहे. अशा परिस्थितीमध्ये सदर समितीसमोरच फेर मुलाखती घेणे हे योग्य होणार नाही. तसेच फेरतापसणीमधील निष्कर्ष हे तक्रारदार यांना मान्य होतीलच असे नाही व त्यामुळे इकडील समितीबाबत अथवा समितीच्या अध्यक्षबाबत मुलाखतीनंतर आजपावेतो होत असलेले अथवा तक्रारी याची मालीका फेरतापसणी नंतरही कायम राहण्याची शक्यता नाकारता येत नाही. या करीता मा. जिल्हादंडाधिकारी यांना सविनय कळविण्यात यावे की, प्रस्तुतच्या ६ गांवासाठी फेरमुलाखती अन्य समितीसमोर घेण्यात याव्यात मात्र मुलाखतीसाठी ज्या निकषांचा गुणावदान तक्ता इकडील समितीने निश्चित केला आहे तो गुणावदान तक्ता हा आधार धरुन सदरच्या मुलाखती व्हाव्यात कारण अन्य समितीने जर सदर ६ गांवासाठी मुलाखतीचे निकष बदलले तर त्या व्यतिरिक्त उपविभागातील निफाड व सिन्नर या तालुक्यात पुर्वनियुक्त झालेले सर्व उमेदवारांचे बाबतील देखील तफावत निर्माण होवुन कायदेशीर अडचणी उदभवु शकतील.

तरी वरील प्रमाणे निर्णय घेण्यात येवुन फेरमुलाखती अन्य समितीसमोर घेणेबाबत मा. जिल्हादंडाधिकारी सो नाशिक यांना समितीच्या अध्यक्षीच्या स्वाक्षरीने लेखी स्वरूपात सविनय विनंती करण्यात यावी असे ठरले.”

17. It is thus quite clear that the Committee found no substance in the allegations made by the complainants. However, the Committee felt that, again there will be complaints, and therefore, it decided to hold interview afresh so that further apprehended complications are avoided. It also felt that, as the complainants have shown no confidence in the Committee, it would be appropriate to hold re-interview for transparency also. Thus, the objections now raised by Respondent No.4 in O.A.Nos.1070/2016, 1072/2016 and 1073/2016 by filing Affidavit-in-reply were already dealt with by the Committee and having considered the same, found no substance therein. In remaining O.A.Nos.1069/2016, 1071/2016 and 1074/2016, the Respondent No.4 preferred not to file reply. Therefore, the challenge is confined to O.A.Nos.1070/2016, 1072/2016 and 1073/2016 as regard factual aspect.

18. Shri Waranjikar, learned Advocate for the Applicants referred to the minutes of the Committee dated 14.07.2016 and pointed out rightly so that all these objections raised by Respondent No.4 in three applications have been already dealt with by the Committee and found no substance therein.

19. In O.A.No.1070/2016, the Respondent No.4 in his reply (Page 80 of the P.B.) raised ground (Para Nos.9, 10 and 11) that they have qualification of English Typing Examination, MSCIT Examination and participation in NSS Camp but no marks were allotted to them by the Committee for these qualifications. Here, it is material to note that, all that they stated that they hold these qualifications. However, there is no specific pleading to show that they have produced original documents about these qualifications before the Committee. In this behalf, the mark-sheet (Page No.54) reveals that no marks were given to them for this alleged qualifications. In this connection, it would be material to refer Advertisement issued by Respondent No.3 prescribing terms and conditions for valid nomination which is at Page Nos.43 to 47 of P.B. As per Clause (C), the

candidates were required to furnish original certificates for inspection. As stated above, there is no specific pleadings that they have produced the copies of these certificates before Respondent No.3. All that they stated that they possess this qualification. This being the position, it is quite clear that they have not at all produced the documents about these additional qualification before the Committee, and therefore, the question of giving one mark each for this additional qualification did not survive.

20. Whereas, in O.A. No.1072/2016, the Respondent No.4 in his reply (Page No.78 of P.B.) in Para No.10 raised plea that he had completed Marathi as well as English Typing Examination, but no marks were allotted by the Committee for this qualification. Similarly, no additional marks were given for his participation in Maharashtra State Kick Boxing Championship, 2010. In this respect, it is material to note that the Committee in its minutes dated 14.07.2016 have categorically stated that the Respondent No.4 have not produced the Certificates in this behalf neither they have furnished any such information in the requisite form. On the contrary, the requisite form submitted at the time of interview pertaining to these additional qualifications was shown blank by the Respondent No.4 himself. Thus, no documents pertaining to the additional qualifications were produced before the Committee, and therefore, no marks were allotted by the Committee.

21. Whereas, in O.A.No.1073/2016, the Respondent No.4 in his reply (Page No.76 of the P.B.) in Paras 11 and 12 stated that, he had participated in NSS Camp as well as had also completed MSCIT Course, but it was not considered by the Committee. In this respect, it will be relevant to see the minutes of the Committee. In Page No.21 of the report (Para 5), the Committee has recorded specific reasons that the Respondent No.4 has not produced the original Certificate of MSCIT, and therefore, no marks were given to him for this qualification. The Committee has specifically noted that, though the Respondent

No.4 has furnished the Xerox copy of Certificate, it was incumbent on the part of Respondent No.4 to submit the originals as per the terms and conditions mentioned in Advertisement dated 17<sup>th</sup> February, 2016, as at the time of interview, the Respondent No.4 could not produce the original Certificate, no marks were given to him. As regard non-giving marks for participation in NSS activities, it is material to note that, while submitting requisite information (Page 161 of P.B.), the said column is not filled-in and the Applicant kept at blank. This being the position, the decision of Committee cannot be faulted with.

22. Thus, the objection raised by Respondent No.4 in O.A.Nos.1070/2016, 1072/2016 and 1073/2016 that they were not allotted marks despite having qualification, is unsustainable as they failed to produce original Certificates at the time of interview before Committee which was mandatory condition as per the Advertisement. True, these Respondents along with their reply have produced the Xerox copies of Certificates, but now that cannot be taken into account in view of their failure to do so at the time of oral interview where the minutes were required to do certain act in a particular manner in the selection process, they are bound to comply the same in a particular manner laid down by the Committee. Having not done so, now after the declaration of result, they cannot be allowed to challenge the same.

23. Now, question comes whether the decision of Committee to hold fresh interview only because the objectors / complainants have shown no confidence in the process can be said legal and valid and the answer is in negative. On receipt of objections, the Committee has gone through all the objections received by it and having considered the objections and record, found no substance in the objections raised by the Respondents / objectors. The Committee has given detailed reasoning and unanimously opined that the objections raised by Respondent No.4 and other objectors are without any substance. This being the factual position, only because the objectors have shown confidence in the

Committee, the decision of the Committee to have fresh interview only to avoid further complaints is not palatable in law. The Committee itself have given clean chit to the Applicants and concluded that they secured highest marks and were rightly recommended for the appointment of Police Patil. Even after making this observation, the Committee under the apprehension of further complaint recused and decided to have interview afresh. Such decision to have interview afresh only under apprehension or some assumption have no legs to stand in legal parlance. Whenever there are administrative decision, the unsuccessful candidates often raises grievance. Once their grievance is examined, there should be finality to the process and the decision for re-interview should not have again taken.

24. One of the ground for holding re-interview seems to be the criteria of allotment of marks decided by the Committee before taking interview and the criteria received by the Committee after interview at the fag end of the process. Admittedly, no such criteria fixing marks for additional qualification uniformly was communicated to the Committee. There is specific mention of this fact in the minutes dated 14.07.2016. Therefore, the Committee at their own fixed criteria for allotment of certain marks for each qualification and proceeded with the selection process. In such situation, only because Collector subsequently issued guidelines in this behalf that itself cannot be the ground for re-interview for the simple reason that once the process is completed and no illegality found therein by the Committee. Therefore, this aspect referred by the Committee in its decision cannot be the ground for re-interview.

25. At this juncture, it would be apposite to refer the Judgment of Hon'ble Supreme Court in **(2015) 11 SCC 493 (Pradip Kumar Rai Vs. Dinesh Kumar & Ors.)** wherein it has been held that, once the candidate had participated in selection process without raising objections, they cannot be allowed to challenge the

process after declared unsuccessful. The Hon'ble Apex Court further observed that, either candidates should not have participated in the interview or they have challenged the procedure immediately after interview were conducted. In this Judgment, the Hon'ble Supreme Court also referred to its earlier Judgment in **K.H. Siraj** (cited supra) (as mentioned by Hon'ble High Court in its order dated 05.01.2018 thereby remitting this matter to this Tribunal). It is material to note that, in this matter, it is the Applicants who declared successful for the post of Police Patil have come to this Tribunal challenging the decision of the Committee to have interview afresh. The objectors have not challenged Applicants' appointments by initiating legal process separately. Apart, even if their objections are considered in these proceedings, those are without any merit as concluded above.

26. The learned Advocate for Respondent No.4 along with the written notes of argument has filed order of this Tribunal passed in **O.A.No.970/2016 (Bhauasaheb Khandekar Vs. State of Maharashtra) decided on 05.10.2018** wherein the challenge was to the appointment of Police Patil. The perusal of order reveals that the Applicant therein was having diploma qualification but two marks which were required to be given to him as per the criteria fixed by the authority was not given. On this factual aspect, the directions were given to correct the mark-sheet and to take further exercise in accordance to law. Whereas in the present case, the Respondents have totally failed to establish that they have produced the Certificates as required in Advertisement at the time of interview, and therefore, this order in O.A.970/2016 is of no help to the Respondents.

27. The necessary corollary of aforesaid discussion leads me to sum-up that the impugned order (show cause notice) dated 27.06.2018 as well as impugned decision of the Committee dated 14.07.2016 to the extent of decision of re-

interview of the candidates is not sustainable in law and facts. The Applications, therefore, deserve to be allowed. Hence, the following order.

**ORDER**

(A) The Original Application Nos. 1069 to 1074 of 2016 are hereby allowed.

(B) The impugned show cause notice dated 27.06.2016 issued by Respondent No.3 is set aside.

(C) The impugned communication (decision of Committee) dated 14.07.2016 is set aside to the extent of decision of re-interview of the candidates.

(D) Consequently, the impugned order dated 07.01.2017 issued by Respondent No.2 to take re-interview of the candidates is quashed and set aside.

(E) No order as to costs.

Sd/-  
**(A.P. KURHEKAR)**  
**Member-J**

Mumbai

Date : 11.01.2019

Dictation taken by :

S.K. Wamanse.