

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH AT NAGPUR.
ORIGINAL APPLICATIONS NO. 527 and 592 of 2015
ORIGINAL APPLICATIONS NO. 527 of 2015

Jamuvant Dadarao Thakre,
Aged about 33 years,
R/o Jalka Teli Post Kinhi Mahadev,
Tah. Khamgaon.,
Distt. Buldhana.

----- **APPLICANT**

VERSUS

1. State of Maharashtra,
through its Secretary,
Ministry of Home Department,
Mantralaya, Mumbai-32.

2. The Sub-Divisional Magistrate,
Khamgaon, Tah. Khamgaon,
Distt. Buldhana.

----- **RESPONDENTS**

ORIGINAL APPLICATION NO. 592 of 2015

Rajendra Dyandeo Rathod,
Aged about 31 years,
R/o at Nimkawala post Poraj,
Tah. Khamgaon.,
Distt. Buldhana.

----- **APPLICANT**

VERSUS

1. State of Maharashtra,
through its Secretary,
Ministry of Home Department,
Mantralaya, Mumbai-32.

2. The Sub-Divisional Magistrate,
Khamgaon, Tah. Khamgaon,
Distt. Buldhana.

-----**RESPONDENTS**

Shri S.N. Gaikwad, Advocate for Applicant.
Smt. S.V. Kolhe, P.O. for Respondents .

CORAM : S.S. Hingne : Member (J)
DATE : 22nd December, 2016

ORDER

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. The issues involved in these O.As being same so also the parties, both O.As. are decided by the common order.

3. The applicants have challenged the change of the roster point of reservation of their villages. Initially in 2012, the process for appointment of Police Patil for village Jalka (Teli) and Nimkawala, Tq. Khamgaon was undertaken vide proclamation dtd. 23/6/2012. As per that proclamation the post was reserved for ST candidate for village Nimkawala and it was reserved for Open for village Jalka (Teli) . The process

was not completed. The process of recruitment for some other villages in the Taluka was challenged and interim orders were issued vide O.A. No.617/2012. So also there was a draught situation in the year 2012-13 and the process of recruitment for the post of Police Patil was stayed by the Govt. vide communication dtd. 25/2/2013 till further orders. Consequently the Collector, Buldhana also issued the letter dtd. 28/10/2013 and stalled the process.

4. After sometime the stay was vacated by the Govt. and the Collector, Buldhana issued the order on 1/9/2015 to fill up the posts of Police Patil of different villages. Consequently the fresh proclamation dtd. 19/8/2015 is issued by the SDO, Khamgaon. As per that proclamation the post at Nimkawala went to the Open candidate as per the roster point and the post at Jalka (Teli) was reserved for NTB category. Taking exception of it, the present O.As. are filed.

5. The contention of the applicants is that when the recruitment process of 2015 was not completed and cancelled

there was no reason to change the roster point for these villages, which is illegal.

6. As against this, according to the Id. P.O. for the genuine reason the process could not be completed and thereafter 3 years' period was lapsed, the process met with the natural death and therefore it was not necessary to cancel the same. Moreover, it is contended by the Id. P.O. that when the fresh process was undertaken it amounts to cancellation of the earlier process and no any order was necessary for that.

7. So far as the contention that there was no reason to change the roster point is concerned, according to the Id. P.O. the roster point is changed because every time the vacancy position is to be considered and on that basis roster point is determined. The roster points are fixed as per the G.R. dtd. 16/10/2008. While determining those aspects the entire vacant of Police Patil posts in the Taluka are considered in the light of the sanctioned posts. Before issuance of the proclamation the list of villages is prepared

and so also the population of each category of that village and on that basis the roster point is fixed in the light of the reservation policy and 100 points roster. While doing so, whenever the process of recruitment is undertaken the list of all the villages wherein the posts are to be filled in is to be prepared. The roster points are decided on the basis of the roster position available at that time. This position changes at the time of each process. If the roster point of particular category is exhausted then that category is not considered for the second time and that reservation goes to the unutilized roster point or to the roster point which is to be filled in. While doing so, the report is taken from the Backward Caste Cell. Considering the strength of that community in the particular village chart is prepared and the roster point is determined. Such 100 points roster chart is prepared. In case in hand showing the position is as under :-

१०० बिंदू नामावली नोंदवही

मंजूर पदे : १८८

गोषवारा

- दिनांक : १.३.२०१५

१) पोलीस पाटील मंजूर पदे १७७

२) कार्यारत पदे ११४

३) रिक्त पदे ७४

	अ. जा.	अ. ज.	वि. जा. अ.	भ. ज. ब.	भ. ज. क	भ. ज. ड	वि. मा. प्र.	इ. मा. व.	खुले	एकूण
१)मंजूर पदावरील टक्केवारीनुसार आरक्षण	२४	१३	६	५	६	४	४	३५	९१	१८८
२)कार्यारत पदे	११	३	२	२	६	१	३	२२	६४	११४
३)रिक्त पदे	१३	१०	४	३	-	३	१	१३	२७	७४
४)अनुशेष	२	५	१	०	०	१	०	०	०	९
५)अनुशेषासह भरावय्याची पदे	१३	१०	४	३	-	३	१	१३		४७

दिनांक २३/०३/२०१५

8. All this is done as per the instructions in the G.R. dtd. 16/10/2008 and with the approval of the Asstt. Commissioner , Backward Caste Cell.

9. In the above state of affairs, when the process is undertaken even after gap of one or two years, the roster point of the village changes which is determined on the basis of the availability of the vacant posts in the entire Taluka. In the case in hand, 3 years' period was lapsed and therefore change is bound to occur there for which nobody can be blamed. In the instant case for the genuine reason the process was stalled and it is not the case that with some ulterior motive this is done.

10. The other grievance of the applicants is that the earlier process undertaken in 2012 was not cancelled. That process was aborted for one reason or the other. When the process was not completed, it cannot be said that thereby any right is accrued to the applicants so as to hold that their rights were ripen in that process. No doubt there is no notification of cancellation of the process of 2012 but that is merely a formality. When the fresh process is undertaken in 2015 and since 3 years' period was lapsed, due to passage of the time the earlier process met with the natural death and

therefore non-issuance of cancellation order does not carry any significance. When the fresh process of 2015 is undertaken it can safely be said that the old process of 2012 does not survive and stand cancelled.

11. Viewed from any angle there appears no substance in the cases propounded by the applicants. Consequently the O.As. are rejected with no order as to costs.

**(S.S. Hingne)
Vice-Chairman.**

Skt.