

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.160 OF 2019**

**DISTRICT : MUMBAI**

1. Shri A.R. Bhalekar & Ors. )  
Age 39, Occ : Service )  
R/o. SRPF Camp, Goregaon (W), Mumbai. )
2. Shri Santosh Sutaram Kalvikade )  
Age 38, Occ. Service )  
R/o. SRPF Camp, Goregaon (W), Mumbai. )
3. Shri Prasad Laxman Patil )  
Age 39, Occ. Service )  
R/o. SRPF Camp, Goregaon (W), Mumbai. )
4. Shri Vinayak D. Munj )  
Age 40, Occ. Service )  
R/o. SRPF Camp, Goregaon (W), Mumbai. )
5. Shri Sachin Haribhau Bagal )  
Age 40, Occ. Service )  
R/o. SRPF Camp, Goregaon (W), Mumbai. )
6. Shri Kishor Madhukar Sakpal )  
Age 35, Occ. Service )  
R/o. SRPF Camp, Goregaon (W), Mumbai. )
7. Shri Balaji H. Tokre )  
Age 32, Occ. Service )  
R/o. SRPF Camp, Goregaon (W), Mumbai. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through Secretary, Department of Home )  
Affairs, Mantralaya, Mumbai – 400 032. )
2. The Commissioner, SID, M.S. Mumbai. )
3. The Superintendent of Police, Special )  
Protection Unit, Dadar, Mumbai. )
4. The Director General of Police, having )  
Office near Regal Theater, Colaba, )  
Mumbai 400 001. )...**Respondents**

**Shri D. S. Mane, Advocate for Applicants.**

**Ms S. P. Manchekar, Chief Presenting Officer for Respondents.**

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

**DATE : 17.01.2020**

**JUDGMENT**

1. The issue posed for consideration in the present O.A. is whether the order dated 18.02.2019 about selection of police personnel for deputation in Special Protection Unit (SPU) is unsustainable in law.

2. Present O.A. is filed by Applicant Nos.1 to 7 who are serving on the post of Police Head Constable in SRPF Group No.8, Mumbai. The Applicants contend that while selecting the candidates for deputation on SPU, their seniority has been ignored and the candidates who are juniors to them and secured less marks have been selected in Special Protection Unit Deputation Result, 2018.

3. The selection process for deputation in SPU was undertaken in 2018 to select the candidate from Police, Railway Police, SRPF region wise as the vacancies were to be filled in as per existing vacancies from the said department. Accordingly, various tests as contemplated in clarificatory G.R. dated 16.08.2018 were undertaken and successful candidates were deputed for the period of five years in SPU.

4. Learned Counsel for the Applicants has pointed out that earlier there was practice to give preference to seniors while sending the candidates in SPU on deputation. In this behalf, he referred to earlier orders dated 12.05.2015, 30.10.2015, 23.12.2015, 08.01.2018, 30.01.2018 wherein there is a reference that selection is based

considering the seniority of the candidates. He, therefore, submits that Applicants were required to be recommended on the basis of their seniority. He has further pointed out that the Applicant has even secured more marks than the candidates recommended. He, therefore, submits that criteria adopted by the Respondents is arbitrary and they have been discriminated.

5. Per contra, learned Chief Presenting Officer submits that by corrigendum dated 16.08.2018 earlier policy was revised and various parameters were laid down for selection. She has further pointed out that the Applicants entitlement for deputation was required to be considered from the vacancies in SRPF Group No.8 only and they cannot compete with the candidates selected from police department. She has further pointed out that from SRPF Group No.8, Mumbai there are only nine vacancies of Police Head Constables to be filled in for deputation and all those nine candidates secured 100 marks which are more than Applicants, and therefore, the impugned order cannot be faulted with.

6. True, before clarificatory G.R. dated 16.08.2018 the recommendations were based on seniority of the concerned candidate. Earlier the age limit for deputation in SPU was 35 years. However, it was found that it was difficult to get the candidate below 35 years of age from certain category namely Police Inspector, Police Sub Inspector, Police Head Constable and Police Naik. Therefore, considering difficulty, the age limit was extended up to 40 to 45 years. Besides, physical test of 8 meter running, 100 meter running, pull up, pushups, weapon handling etc were required to be undergone for selection. It is on the basis of all these tests, the marks were to be allotted for each test. Out of total marks 100, 20 marks were for 800 meter running, 10 marks for 100 meter running, 15 marks for pull ups, 15 marks for pushups, 20 marks for MP-five disassembling and assembling weapon handling and 20 marks for 9 MM Glock handling.

7. Besides, it is very much clear from the final list which is at page nos.40 to 42 that the candidates were to be selected from their respective department or zone as per vacancies. In so far as SRPF Group No.8 is concerned, there were nine vacancies of cadre Police Head Constable to be filled in. As the Applicants falls in the cadre of Police Head Constable from SRPF Group No.8 they were required to compete with others from their group only. Accordingly, nine candidates were selected from SRPF Group No.8 who had admittedly secured 100 marks. Whereas, admittedly the Applicants have secured less than 100 marks. This being the position, it is explicit that applicant secured less marks, and therefore, they were not recommended.

7. Significantly, Applicants have challenged the selection of the candidates, selected from police department. True, as pointed out by learned Counsel for the Applicant some of them seem to have got zero marks in weapon handling. Whereas, the applicants have obtained considerable marks in weapon handling. Some of the Applicants have obtained 20/20 marks in weapon handling. However, the selection of the candidate who seems to have got zero marks in weapon handling where from police department and not from SRPF Group No.8. As stated above, the vacancies were required to be filled in department wise/region wise and the candidates were required to compete with other candidates in its department only. In other words, merits of the candidate were to be considered amongst the candidates from the said department only, it being department wise recommendation. This being so, the applicants candidature was to be considered on merit list of SRPF Group No.8, Mumbai only. There marks cannot be compared with the marks obtained by the candidates in police department. They need to secure highest marks for selection in their own group/department only. They cannot be compared with marks secured by candidate from other department. As such, marks

obtained by the candidates from police department cannot be compared with marks obtained by the candidates from SRPF group. Admittedly, nine candidates whose names were recommended from the cadre of Police Head Constable from SRPF Group No.8 to which Applicants belongs have secured 100 marks. Whereas, the Applicants have got less than 100 marks. True, the Applicants seem to be senior to those 9 candidates' whose names were recommended from SRPF Group No.8. However, in view of clarificatory G.R. dated 16.08.2018, the selection is based on merit. Therefore, submission advanced by the learned Counsel for the Applicants that they are subjected to discrimination and wrongly denied deputation in SPU, holds no order. On the contrary, material placed on record reveals that candidates whose names were recommended from SRPF, they were higher in merit. I, therefore, see no arbitrariness, unfairness or illegality in process.

8. The totality of aforesaid discussion leads me to sum up that challenge to the order dated 18.02.2019 is devoid of merit. Indeed, the Applicants have not joined, these candidates whose names were recommended from police department for deputation in SPU by order dated 18.02.2019. Therefore, Original Application also suffers from fatal legal defect of non joining of necessary parties. Be that as it may, in view of above discussion, I see no merit in the Original Application.

**ORDER**

Original Application is dismissed with no order as to cost.

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

Place :Mumbai  
Date : 17.01.2020  
Dictation taken by : VSM