

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI

ORIGINAL APPLICATION NO.258 OF 2020

DISTRICT : THANE

Ms. Chaitali Ashokrao Rane,)
Age 30 years, Occ. Nil, R/o Room No.504, 5th Floor,)
Royce Galaxy, Dr. A.B. Bhuvan Society, Gandhari,)
Kalyan (W), District Thane)..Applicant

Versus

1. The District Collector,)
Mumbai Suburban District,)
Administrative Building, 10th Floor,)
Near Chetna College, Govt. Colony,)
Bandra (E), Mumbai 400051)
2. The Sub Divisional Officer,)
Mumbai West Suburban,)
Administrative Building, 10th Floor,)
Near Chetna College, Govt. Colony,)
Bandra (E), Mumbai 400051)
3. The Sub Divisional Officer,)
Mumbai East Suburban,)
Administrative Building, 10th Floor,)
Near Chetna College, Govt. Colony,)
Bandra (E), Mumbai 400051)..Respondents

Shri B.A. Bandiwadekar – Advocate for the Applicant

Smt. K.S. Gaikwad – Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula Bhatkar, Chairperson

Smt. Medha Gadgil, Member (A)

RESERVED ON : 10th August, 2023

PRONOUNCED ON: 3rd October, 2023

PER : Smt. Medha Gadgil, Member (A)

J U D G M E N T

1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. In this matter the applicant challenges her non-selection to the post of Talathi in a vacancy meant for Scheduled Tribe (ST) reserved category in respect of Talathi Recruitment, 2015.

3. An advertisement was issued on 1.7.2015 for filling up 8 posts of Talathi in Mumbai Suburban District by direct recruitment, caterogized as below:

SC	ST	VJNT-A	NT-C	OBC	OPEN	TOTAL
1	2	1	1	2	1	8

The applicant participated in the said selection process. The examination was conducted on 13.9.2015 and final result was declared on the same date. The final list of selected candidates and waiting list candidates was published on 6.11.2015. One Ms. Shital Damse belonging to ST reserved category who had higher merit than the applicant was declared as selected for appointment to the said post whereas the applicant figured in the

waiting list. Ms. Shital Damse joined service on 4.1.2016 on the establishment of the Sub Divisional Officer (SDO), Western Suburban, Mumbai and after working for 6 months and 8 days she resigned from the post of Talathi. She submitted her resignation on 12.7.2016 to respondent no.2 and she was relieved from service w.e.f. 12.7.2016.

4. Thereafter applicant made an undated representation to respondent no.3, which was received on 5.4.2018, requesting them to consider her case as she belongs to ST category in view of the vacancy due to resignation of Ms. Shital Damse. She further pointed out that she was Wait List No.1 under the ST female category. The respondents vide letter dated 16.2.2019 forwarded a proposal to Collector, Mumbai Suburban District requesting him to take decision regarding appointment of the applicant at his level.

5. The applicant approached the Hon'ble High Court by filing W.P. No.11548/2019 seeking relief against the respondents. However, vide order dated 24.1.2020 the Hon'ble High Court disposed off the writ petition with direction to the applicant to approach this Tribunal.

6. Ld. Advocate for the applicant argued that the applicant belongs to ST reserved category and has a caste validity certificate and coupled with the fact that she was at waiting list no.1 in the post meant for ST female category. Therefore the applicant prays that applicant should be appointed on the said post of Talathi. Ld. Advocate for the applicant relied on the **judgment and order dated 3.10.2019 passed by the Hon'ble Bombay High Court in W.P. No.9439 of 2019 Vijay Chhagan Gadave Vs. Collector, District Thane & Anr.**

7. Per contra Ld. PO opposes the submissions made by Ld. Advocate for the applicant. She pointed out that the applicant made her first

representation after the waiting list had expired and therefore the case was time barred and therefore OA should be dismissed. Ld. PO relied on the **judgment and order dated 13.8.2013 passed by the Supreme Court of India in W.P. (Civil) No.73 of 2013 Raj Rishi Mehra & Ors. Vs. State of Punjab & Anr.**

8. In this case it is seen that the applicant was at Waiting List No.1 in the selection process for the post of Talathi. However, it is seen that one candidate Ms. Shital Damse who was higher in merit was appointed and actually worked for six months and eight days. As per GR dated 19.10.2007 the waiting list is valid for a period of one year from the date of select list. In this case the final select list was published on 6.11.2015 and therefore the waiting list was valid upto 6.11.2016. However, the applicant in her undated representation which was received by respondent no.3 on 5.4.2018 i.e. after the period of waiting list had expired. Therefore, we are unable to grant any relief to the applicant in this case.

9. The Original Application is dismissed. No order as to costs.

Sd/-

(Medha Gadgil)
Member (A)
3.10.2023

Sd/-

(Mridula Bhatkar, J.)
Chairperson
3.10.2023

Dictation taken by: S.G. Jawalkar.