**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**MUMBAI BENCH**

**REVIEW APPLICATIONS NO 14/2012 in O.A 637/2010, 15/2012 in O.A 638/2010 & 16 OF 2012 in O.A 639/2010**

**1. REVIEW APPLICATION NO 14 OF 2012**

**IN**

**ORIGINAL APPLICATION NO. 637 OF 2010**

Shri Nilesh Raju Savane, )
Occ : Nil, R/o : Behind S.T Stand, )
At & Post Kurduvadi, Tal-Madha, )
Dist-Solapur. ... **Applicant**

Versus

1. The Commandant, )
   State Reserve Police for )
   Group No. 8, Mumbai. )
2. The Secretary, )
   Home Department, Mantralaya )
   Mumbai. Copy to be served )
   Through C.P.O, M.A.T, )
   Mumbai 400 032. )
3. The Director General of Police, )
   S.B.S Marg, Colaba, Mumbai. ... **Respondents**

**2. REVIEW APPLICATION NO 15 OF 2012**

**IN**

**ORIGINAL APPLICATION NO. 638 OF 2010**

Shri Yuvraj Suresh Bhise, )
Occ : Nil, R/o : 91, Huchcheshwar, )
Nagar, Bhag-1, Kumtha Naka, )
Dist-Solapur. )... **Applicant**

Versus

1. The Commandant, )
State Reserve Police for )
Group No. 8, Mumbai. )
2. The Secretary, )
Home Department, Mantralaya )
Mumbai. Copy to be served )
Through C.P.O, M.A.T, )
Mumbai 400 032. )
3. The Director General of Police, )
S.B.S Marg, Colaba, Mumbai. )...**Respondents**

**3. REVIEW APPLICATION NO 16 OF 2012**

**IN**

**ORIGINAL APPLICATION NO. 639 OF 2010**

Shri Abhijeet Ashok Chougule )
Occ : Nil, R/o : AT & Post Pangaon, )

Tal : Barshi, )
Dist-Solapur. )... **Applicant**

Versus

1. The Commandant, )
State Reserve Police for )
Group No. 8, Mumbai. )
2. The Secretary, )
Home Department, Mantralaya )
Mumbai. Copy to be served )
Through C.P.O, M.A.T, )
Mumbai 400 032. )
3. The Director General of Police, )
S.B.S Marg, Colaba, Mumbai. )...**Respondents**

Applicants in person.

Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman)**
**Shri R.B. Malik (Member) (J)**

**DATE : 24.02.2016**

**PER : Shri Rajiv Agarwal (Vice-Chairman)**

**ORDER**

1. Heard Applicants in person and Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents.

2. These Review Applications were heard together and are being disposed by a common order as the issues involved in all the O.As are identical and in all the R.As common order passed on 4.4.2012 in these three O.As is sought to be recalled.

3. The Applicants argued that they were seeking employment as Constables (Bandsmen) on the establishment of the Respondent no. 1 in Maharashtra State Armed Police Constables Recruitment 2009. The advertisement was issued on 2.2.2010 for filling a total of 249 posts of Armed Police Constables, including 9 posts of Bandsmen and 21 posts of Drivers. As per Maharashtra Police Constables (Recruitment) Rules, 2006 educational qualification for the post of Police Constable was Higher Secondary Examination (12 class). However, for Bandsmen, the qualification was Secondary School Examination (10th class). The standard of Physical Qualifications were also different. As a result, it was necessary to prepare separate merit list of those candidates, who had applied for the post of Bandsman. For such posts, proficiency in same musical instruments

used in Police Band is also necessary. However, the Respondent no. 1 prepared a common merit list and as a result the Applicants were deprived of opportunity to be selected for the post of Bandsmen. The Applicants argued that in some other units of State Reserve Police Force (SRPF), like SRPF Group at Daund, separate merit list was prepared for Bandsmen. The Applicants stated that the Special Inspector General of Police, Training and Special Units has issued circular on 2.4.2007 that separate select list for Bandsman should be prepared. Even in the circular issued by the Additional Director General of Police, Training & Special Units on 16.1.2010, it was provided that separate select list for Bandsmen should be prepared. The Applicants argued that all those facts were ignored by this Tribunal while delivering order dated 4.4.2012. The Applicants prayed that the order dated 4.4.2012 may be recalled and the Original Applications allowed.

4. Learned Chief Presenting Officer (C.P.O) argued on behalf of the Respondents that the Applicants have not been able point out any patent error of law or fact which stares in the face. The scope of review is limited and it is not in the nature of an appeal. This Tribunal has passed orders dated 4.4.2012 on the basis of judgment of Aurangabad Bench of this Tribunal dated 26.7.2010 in O.A no 265/2010. This order was carried to Hon'ble High Court at Aurangabad in Writ Petition no

9843/2010 and Hon'ble High Court in judgment dated 31.7.2011 clearly held that here was no substance in the contention of the Applicants therein that a separate select list should be prepared for Bandsman category. Learned C.P.O argued that once the matter has been decided by this Tribunal based on the judgment of Hon'ble High Court, there is no basis to file the presents Review Applications.

5. We find that in O.A no 265/2010, Aurangabad Bench of this Tribunal by judgment dated 26.7.2010 has held that:-

> "This very subraission that separate select list was not prepared is again without substance, because preparing the separate select list is based upon selection of candidates after securing the qualifying marks. If none of the candidates found not secured authorities to prepare a separate select list as claimed by the judgment."

By judgment dated 13.7.2011 in W.P no 9843 of 2010, Aurangabad Bench of Hon'ble High Court has upheld this decision of this Tribunal.

6. In the judgment dated 4.4.2012, this Tribunal has noted that the Applicant in O.A no 637/2010 belongs to OBC category and he obtained 142.80 marks, while

the cut off marks for that category was 156.60. The Applicant in O.A no 638/2010 belongs to NT-C category and he secured 141 marks, while cut off marks were 155. The Applicant in O.A no 639/2010 belongs to OBC category and he secured 143.60 marks. Cut off marks was 150.60 All the three Applicants failed to secure qualifying marks. There was, therefore, no need to prepare separate select list for Bandsman category when none of the candidates secured qualifying marks. We find that the judgment dated 4.4.2012 of the Tribunal which is under review was based on earlier judgment of this Tribunal which was upheld by Hon. High Court. We are unable to find any error of law or fact in the aforesaid judgment.

7. Having regard to the aforesaid facts and circumstances of the case, these Review Applications are dismissed with no order as to costs.

Sd/-
**(R.B. Malik)**
**Member (J)**

Sd/-
**(Rajiv Agarwal)**
**Vice-Chairman**

**Place : Mumbai**
**Date : 24.02.2016**
**Dictation taken by : A.K. Nair.**

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