

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**REVIEW APPLICATION No.26 OF 2013
In
ORIGINAL APPLICATION NO. 1106 OF 2012
With
REVIEW APPLICATION No.27 OF 2013
In
ORIGINAL APPLICATION NO. 1108 OF 2012
With
REVIEW APPLICATION No.28 OF 2013
In
ORIGINAL APPLICATION NO. 1111 OF 2012**

DISTRICT :Pune

**REVIEW APPLICATION No.26 OF 2013
In
ORIGINAL APPLICATION NO. 1106 OF 2012**

Shri Vishwajit Hanumant Ghadge,)
R/o 5/15, Chavan Nagar Police Line,)
Pashan Road, Pune-8.)...**Applicant**

VERSUS

1] The State of Maharashtra,)
Through the Additional Chief)
Secretary, Home Department,)
Having Office at Mantralaya,)
Mumbai - 400 032.)

2] The Superintendent of Police,)
Pune [R], Having Office at)
Pune.)...**Respondents**



With

REVIEW APPLICATION No.27 OF 2013
In
ORIGINAL APPLICATION NO. 1108 OF 2012

Shri Satyawan Malhari More)
 R/o at and post Narootwadi,)
 Tal. Indapur, Dist. Pune.)...**Applicant**

VERSUS

- 1] The State of Maharashtra,)
 Through the Additional Chief)
 Secretary, Home Department,)
 Having Office at Mantralaya,)
 Mumbai - 400 032.)
- 2] The Superintendent of Police,)
 Pune [R], Having Office at)
 Pune.)...**Respondents**

With

REVIEW APPLICATION No.28 OF 2013
In
ORIGINAL APPLICATION NO. 1111 OF 2012

Shri Mangesh Ananda Mozar,)
 R/o at and post Sangamner,)
 Tal: Bhor, Dist: Pune.)...**Applicant**

VERSUS

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- 1] The State of Maharashtra,)
 Through the Additional Chief)
 Secretary, Home Department,)
 Having Office at Mantralaya,)
 Mumbai – 400 032.)
- 2] The Superintendent of Police,)
 Pune [R], Having Office at)
 Pune.)....**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. There Review Applications have been filed seeking Review of the common judgement of this Tribunal dated 31.7.2013 in a group of 10 O.A.s including the aforementioned three O.A.s These R.A.s are therefore being disposed of by a common order.

3. The Applicants argued that there are glaring errors in the judgement dated 31.7.2013 of this Tribunal and it should be recalled and O.A.s should be allowed. The Applicants had applied for the post of Police Constable in Maharashtra Police Recruitment, 2011, for which advertisement was issued by the Respondent no.2 to fill up 210 posts. There was vertical (social) and horizontal (Special) reservation for posts. Out of 220 selected candidates, 5 candidates didnot join and 05 candidates from Ex-servicemen category were found to be ineligible. The Applicants argued that for filling up posts,which could not be filled from concerned horizontal reservation category, the waiting list should have been used from general category. To give an example, if an Open-Ex-service post could not be filled, it should have been filled by Open category candidate without considering horizontal reservation for Ex-servicemen. The Respondent No.2, however, decided to fill such posts from that horizontal reservation category only which is not in keeping with the Government instructions in this regard. The Applicants belong to Open, S.C. and Open categories respectively with no horizontal reservation. The Applicants claim that once posts from Open or S.C., which were reserved horizontally for various categories could not be filled, the same should have been added to the Open or S.C. posts, as the case may be. This Tribunal had erred by holding that Open or S.C. posts horizontally reserved for a particular category can be filled from that category only.

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4. Learned Chief Presenting Officer (C.P.O.) argued on behalf of the Respondents that the posts in a vertical reservation category, horizontally reserved for certain category if, not filled, are to be filled on the basis of same vertical and horizontal reservation. Only if, no suitable candidate from a particular horizontal reservation category are found, then the posts are required to be added to that vertical particular reservation category. In the Police Recruitment of 2011 for Pune Rural district, 220 persons were selected. However, 10 posts could not be filled initially, including three open posts, horizontally reserved for Ex-Servicemen. However, this Tribunal in O.A.No.62 of 2012 found 3 Ex-servicemen from Open category eligible for appointment. Thereafter only 7 vacancies remained to be filled. However, these vacancies were required to be filled on the basis of vertical and horizontal reservation for each post from the candidates from the waiting list. It was not the case of the Applicants that they were eligible to be appointed from the waiting list from the vertical and horizontal reservation category vis-a-vis the posts which remained unfilled. This Tribunal, therefore, rightly dismissed the O.A.s. Learned C.P.O. argued that the Applicants have failed to bring out any error of law or fact in the judgement of this Tribunal.

5. We find that the Respondent no.2 had prepared a select list of 220 candidates, based on vertical and horizontal reservations. 10 candidates either didnot join or were held ineligible. 3 of the Open-Ex-Servicemen candidates were



later given appointment in view of the order of this Tribunal in O.A.No.62 of 2013, leaving 7 vacancies. These vacancies were in following categories viz.

(1)	O.B.C.	1
(2)	Open Home Guards	1
(3)	Open Ex-Servicemen	2
(4)	O.B.C.-PAP	1
(5)	S.C. - H.G.	1
(6)	S.C.-Ex Servicemen	1
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The O.B.C. post was filled by appointing the Applicant in O.A.No.1109 of 2012. The Applicants belong to the following categories:

Sr.No.	O.A.Nos.	Name	Category
(1)	1106 of 2012	Shri U.H. Ghadge	Open
(2)	1108 of 2012	Shri S.M. More	S.C.
(3)	1111 of 2012	Shri M.A. Mozar	Open

As the Applicants didnot belong to categories of vertical and horizontal categories in which the posts could not be filled, they were held ineligible to be appointed to those posts. It is seen that in the O.A.s the Applicants have claimed that they were duly selected for the post of Police Constable in vacant, clear and sanctioned posts by order dated 21.3.2012 issued

by the Respondent No.2. However, as the appointment orders were not issued, they had filed the O.A.s.

6. The so called order dated 21.3.2012 is at Exhibit 'C' (page no.10) of the O.A.No.1106 of 2012. It contains names of the Applicants, who were sent for medical examination. However, the Respondent No.2 realized that he was required to prepare waiting list for categories mentioned in para no.5 above and the Applicants were from Open & S.C. waiting list. The Applicants could not establish that they were eligible to be appointed to the posts as horizontal reservation candidates were not available. In fact, the Respondent No.2 didnot appoint the Applicants, as their claim to be appointed from waiting list was not established. The Applicants had not made prayer that the posts horizontally reserved, which could not be filled, may be added to that particlar vertical reservation category. That could have been done only if horizontal reservation category candidates from that vertical reservation category were not available. Even if the posts horizontally reserved were added to the verticala reservation vacancies, the Applicant had not pleaded in the O.A.s that they were eligible to be appointed on the basis of their place in the waiting list. On the basis of prayers of the Applicants, this Tribunal held them ineligible for appointment as Police constable.

7. We are unable to find any error of law or fact staring in the face in the order of this Tribunal dated

31.7.2013. These R.A.s are, therefore, dismissed with no order as to costs.

Sd/-
(R.B. MALIK)
(MEMBER) (J)

Sd/-
(RAJIV AGARWAL)
(VICE-CHAIRMAN)

Date : 24.02.2016

Place : Mumbai

Dictation taken by : SBA

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