

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 242 OF 2016

DISTRICT: PARBHANI

Shri Govind s/o Ramkisan Sakhare,
Age: 27 years, Occu. : Agriculture,
r/o Ambegaon (Digar),
Post –Sonna, Tq. Sailu, Dist. Parbhani

.. **APPLICANT**

V E R S U S

- 1) The Collector,
Parbhani,
Tq. & Dist. Parbhani.
- 2) The Sub-Divisional Officer
Sailu, & Committee Member
For Recruitment Process
Sailu, Tq. Sailu, Dist. Parbhani.
- 3) Shri Pandharinath Sundarrao Sakhare,
Age-28 years, Occ- Agri.,
r/o Ambegaon (Digar),
Post-Sonna, Tq. Sailu,
Dist. Parbhani.
- 4) The Civil Surgeon,
Civil Hospital Parbhani,
Tq. & Dist. Parbhani.

.. **RESPONDENTS**

APPEARANCE : Shri K.G. Salunke, learned Advocate
for the Applicant.

: Shri M.P. Gude, learned Presenting Officer for
the Respondent nos. 1, 2 & 4.

: Shri S.K. Sawangikar, learned Advocate for
respondent no. 3, **absent**.

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

ORAL ORDER

(Delivered on this 8th day of March, 2017.)

1. Heard Shri K.G. Salunke, learned Advocate for the Applicant, Shri M.P. Gude, learned Presenting Officer for the Respondent nos. 1, 2 & 4. Shri S.K. Sawangikar, learned Advocate for respondent no. 3, **absent**.

2. The applicant sought relief for quashing the appointment of respondent no. 3 as Police Patil of village Ambegaon (Digar) Post Sonna Tq. Sailu Dist. Parbhani on the ground that the respondent no. 3 is physically handicapped person and he has three living children born after 2005 and therefore, he is not eligible to be appointed as Police Patil. But the respondent no. 2 has not considered the said aspect and has appointed the respondent no. 3 as Police Patil, which is against the provisions of recruitment Rules of Police Patil. The applicant submitted that he made representation dated 16.09.2016 before the respondent no. 2 i.e. the Sub Divisional Officer, Sailu, but the said representation has not been yet decided and therefore, the applicant has prayed to quash the appointment of respondent no. 3 as Police Patil of

village Ambegaon (Digar) Post Sonna Tq. Sailu Dist. Parbhani.

3. The learned P.O. has placed on record a copy of communication dated 17.10.2016 addressed to the applicant and the same is taken on record and marked as Exhibit-'X' for the purposes of identification, by which the respondent no. 2 informed the applicant that his application has been disposed of, as the present matter is pending before this Tribunal.

4. I have gone through the communication dated 17.10.2016 sent by the Sub Divisional Officer, Sailu. The respondent no. 2 S.D.O. Sailu has not decided the objections on merit and also not afforded opportunity of being heard to both the parties. He simply disposed of the application on the ground that the matter is pending before this Tribunal.

5. The Learned P.O. submitted that the S.D.O., Sailu will be decided objection raised by the applicant within two weeks.

6. The learned Advocate for the applicant has no objection to dispose of the O.A. with a direction to the S.D.O. Sailu to decide his representation/objection within two weeks by giving opportunity to both the sides.

7. In view of this, the O.A. stands disposed of with a direction to the respondent no. 2 i.e. S.D.O., Sailu to decide the representation/objection raised by the applicant within two weeks from the date of this order by giving opportunity to both the parties on merits. There shall be no order as to costs.

(B.P. PATIL)
MEMBER (J)

KPB/S.B. O.A. No. 242 of 2016 BPP 2017 Police Patil