

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NOS. 196 OF 2016 WITH
197/2016 WITH 203/2016 WITH 204/2016
AND 205/2016**

DISTRICT: - PARBHANI

1. ORIGINAL APPLICATION NO. 196 OF 2016

Shri Dnyanoba S/o Laxman Thakur,
Age : 30 years, Occu. : Agri.,
R/o. Barbadi, Tq. Palam,
Dist. Parbhani

...APPLICANT

V E R S U S

1) The State of Maharashtra
Through Secretary Home Department,
Mantralaya, Mumbai.
Copy to be served on the
Presenting Officer, M.A.T., Aurangabad.

2) The Sub Divisional Officer & Chairman
of the Selection Committee,
Gangakhed, Tq. Gangakhed, Dist. Parbhani.

3) Member Secretary/Tahasildar,
Palam, Tq. Palam, Dist. Parbhani.

4) Laxman S/o. Shivaji Dange,
Age: Major, Occ: Agri.,
R/o. Barbadi, Tq. Palam,
Dist. Parbhani.

...RESPONDENTS

2. ORIGINAL APPLICATION NO. 197 OF 2016

Shri Arjun S/o. Haribhau Mekane,
Age : 36 years, Occu. : Agri.,
R/o. Ghoda, Tq. Palam,
Dist. Parbhani

...APPLICANT

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V E R S U S

- 1) The State of Maharashtra
Through Secretary, Home Department,
Mantralaya, Mumbai.
Copy to be served on the
Presenting Officer, M.A.T., Aurangabad.
- 2) The Sub Divisional Officer & Chairman
Of the Selection Committee,
Gangakhed, Tq. Gangakhed, Dist. Parbhani.
- 3) Member Secretary/Tahasildar,
Palam, Tq. Palam, Dist. Parbhani.
- 4) Vinod S/o Rustum Kadam,
Age: 33 years, Occ: Agri.,
R/o. Ghoda, Tq. Palam,
Dist. Parbhani. ...RESPONDENTS

3. ORIGINAL APPLICATION NO. 203 OF 2016

Sow. Jaishree W/o Kishanrao Dudhate,
Age : 25 years, Occu. : Household,
R/o. Phala, Tq. Palam,
Dist. Parbhani ...APPLICANT

V E R S U S

- 1) The State of Maharashtra
Through Secretary, Home Department,
Mantralaya, Mumbai.
Copy to be served on the
Presenting Officer, M.A.T., Aurangabad.
- 2) The Sub Divisional Officer & Chairman
Of the Selection Committee,
Gangakhed, Tq. Gangakhed, Dist. Parbhani.

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- 3) Member Secretary/Tahasildar,
Palam, Tq. Palam, Dist. Parbhani.
- 4) Bebi W/o. Sahebrao More,
Age: Mejour, Occ: Household,
R/o. Phala, Tq. Palam,
Dist. Parbhani. ...RESPONDENTS

4. ORIGINAL APPLICATION NO. 204 OF 2016

Shri Parmeshwar S/o. Nivrati Pawar,
Age : 25 years, Occu. : Agri.,
R/o. Sailu, Tq. Palam,
Dist. Parbhani. ...APPLICANT

V E R S U S

- 1) The State of Maharashtra
Through Secretary, Home Department,
Mantralaya, Mumbai.
Copy to be served on the
Presenting Officer, M.A.T., Aurangabad.
- 2) The Sub Divisional Officer & Chairman
Of the Selection Committee,
Gangakhed, Tq. Gangakhed, Dist. Parbhani.
- 3) Member Secretary/Tahasildar,
Palam, Tq. Palam, Dist. Parbhani.
- 4) Sominath S/o. Motiram Pawar,
Age: 44 years, Occ: Agri.,
R/o. Sailu, Tq. Palam,
Dist. Parbhani. ...RESPONDENTS

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5. ORIGINAL APPLICATION NO. 205 OF 2016

Shri Pradip S/o. Janardhanrao Jadhav,
Age : 25 years, Occu. : Agri.,
R/o. at post Ajamabad, Tq. Palam,
Dist. Parbhani.

...APPLICANTS

V E R S U S

1) The State of Maharashtra
Through Secretary, Home Department,
Mantralaya, Mumbai.
Copy to be served on the
Presenting Officer, M.A.T., Aurangabad.

2) The Sub Divisional Officer & Chairman
Of the Selection Committee,
Gangakhed, Tq. Gangakhed, Dist. Parbhani.

3) Member Secretary/Tahasildar,
Palam, Tq. Palam, Dist. Parbhani.

4) Sayed Shadula Amirsaheb,
Age: 25 years, Occ: Agri.,
R/o. at post Ajamabad, Tq. Palam,
Dist. Parbhani.

...RESPONDENTS

APPEARANCE :Shri H. K. Munde, learned Advocate
for the Applicants in all these O.As.

:Shri I.S. Thorat, Smt. Sanjivani K.
Deshmukh-Ghate, Smt. Resha S.
Deshmukh and Smt. Deepali S.
Deshpande, learned Presenting
Officers for the respondent nos. 1 to
3 in respective O.As.

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:Smt. M.S. Sawangikar, learned Advocate holding for Shri S.K. Sawangikar, learned Advocate for respondent no. 4 in O.A.No. 196/2016.

:Shri D.M. Shinde, learned Advocate for respondent no. 4 in O.A. Nos. 197, 203 & 205 all of 2016.

:Shri Amol Gaikwad / V.D. Jadhav, learned Advocate for respondent no. 4 in O.A. No.204/2016, **absent**.

CORAM : Hon'ble Shri B.P.Patil, Member (J)

DATE : 24th July 2017

COMMON JUDGMENT
[Delivered on 24th day of July 2017]

The facts and issues involved in all the O.As. are similar and identical, and therefore, same are decided by common order

2. Applicants by filing the present O.As. prayed for declaration that the selection process for the post of Police

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Patil of the villages mentioned in O.As. may be quashed and set aside from the stage of written examination and the respondents may be directed to appoint applicants on the basis of highest marks secured by them in the written examination and also prayed to restrain the respondent no.2 from issuing appointment order to respondent no.4 in all the O.As.

3. Respondent no.2 published advertisement dated 22-12-2015 inviting applications for appointment for the post of Police Patil of villages in Palam Taluka, District Parbhani including the villages Barbadi, Ghoda, Phala, Selu and Aajamabad. The applicants along with respondent no.4 in all the O.As. and others filled online application forms. Eligible candidates were called for written examination. Applicants in all these O.As. secured highest marks in the written examination than the respondent no.4 in all the O.As. Applicants, respondent no.4 in all the O.As. and other eligible candidates had been called for oral interview. In oral interview, committee headed by

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respondent no.2 had allotted less marks to the applicants intentionally and gave more marks to the respondent no.4 in all the O.As., and thereby favoured them. It is the contention of applicants that respondent no.4 in the all the O.As. and members of the committee who interviewed the applicants had allotted more marks to the respondent no.4 in each O.A. by adopting malpractices. It is their contention that in view of the G.R. dated 26-08-2010, the Government decided to hold written examination only for the recruitment of Police Patil and it was resolved not to take oral interviews of the candidates. It is their contention that in spite of specific decision of the Government, respondent no.2 had not followed the said direction and adopted wrong procedure by conducting oral interviews of the applicants and others. It is their contention that respondent no.2 and committee members had granted more marks to the respondent no.4 with ulterior motive and involved in the malpractice. Therefore, they prayed to quash and set aside the recruitment process from the stage of written examination and also prayed to restrain

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respondent no.2 to appoint respondent no.4 in all the O.As., on the basis of illegal selection made by him.

4. Respondent nos.2 and 3 resisted the O.As. by filing their affidavit in reply. It is their contention that allegations levelled in the original applications are totally false. It is their contention that entire recruitment process had been conducted in transparent manner and impartially as per the rules and regulations issued by the Government from time to time. It is their contention that entire recruitment process had been conducted impartially as per the rules and regulations issued by the Government from time to time. It is their contention that in view of the G.R. dated 22-08-2014 written examination for 80 marks and oral examination for 20 marks has to be conducted for selection on the post of Police Patil. Eligible candidates are selected as Police Patil considering aggregate marks (in written and oral examination) secured by the candidates on merit. Entire recruitment process has been conducted by the

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respondent no.2 in view of the guidelines given in the G.R. dated 22-08-2014. Performance of the candidates in the oral interview has been evaluated by the members of the committee considering their performance, intelligence, personality etc., and accordingly, marks had been given to the respective candidates appeared for the oral examinations. After considering aggregate marks in written and oral examination, candidates who secured highest marks were selected for the posts of Police Patil. It is their contention that respondent no.4 in all the O.As. secured highest marks in aggregate, and therefore, they were declared as selected candidates. It is their contention that recruitment process had already been completed and appointment orders had been issued to the selected candidates i.e. respondent no.4 in all the O.A., and accordingly, they have joined the post. Therefore, they have prayed to reject the O.As.

5. Respondent no.4 in O.A.No.196/2016 filed affidavit in reply and contended that the recruitment process has been

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conducted as per the terms and conditions mentioned in the advertisement as well as guidelines issued by the Government from time to time and also as per the recruitment rules. Oral examination of the candidates has been conducted as per the relevant Government Resolutions. Members of the committee who conducted oral interviews have assessed performance, intelligence, general knowledge and personality of the candidates and accordingly they had allotted marks to each of the candidates appeared for the oral interview. On considering the aggregate marks in written and oral examination, the candidates who secured highest marks had been selected for the post of Police Patil. It is his contention that he has secured highest marks in the examination, and therefore, he was declared as selected candidate. It is his contention that the applicant has wrongly placed reliance on the G.R. dated 26-08-2010, which has been cancelled by the G.R. dated 22-08-2014. Therefore, there is no substance in the contention of the applicant in that regard. It is further

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contention of the respondent no.4 that a crime had been registered against the applicant in O.A.No.196/2016. On the basis of said crime Criminal Case No.156/2007 (old) and Criminal Case No.401/2008 (New) has been registered against him. It was decided on 25-01-2012 and the applicant in O.A.No.196/2016 had been convicted by the Judicial Magistrate First Class, Palam (JMFC). It is his further contention that the applicant in O.A.No.196/2016 has registered himself as voter in village Gangabet Wahegaon, Tq. Nanded, Dist. Nanded as well as in village Barbadi, Tq. Palam, Dist. Parbhani by furnishing false information, and therefore, on that ground also applicant is not eligible for appointment as Police Patil. Accordingly, he has prayed for dismissal of the O.A.

6. Respondent no.4 in other O.A. Nos.197/2016, 203/2016, 204/2016 and 205/2016 have also filed their affidavit in reply and resisted the contention of the applicants by raising similar contentions as raised by the respondent no.4 in O.A.No.196/2016. They have also

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contended that the applicants are wrongly relying on the G.R. dated 26-08-2010 which has been cancelled subsequently in the year 2014. It is their contention that entire recruitment process has been conducted as per the guidelines issued by the Government and also as per the relevant G.Rs. and recruitment rules. Selection process was conducted in transparent and impartial manner. It is their contention that they had been selected as Police Patil as they secured highest marks in aggregate i.e. in written and oral examination. It is their contention that the committee headed by the respondent no.2 evaluated their performance in oral examination and allotted marks to them. Therefore, applicants have no right to challenge recruitment process and to claim relief/s as sought for. On these grounds they have prayed for dismissal of O.A.

7. Heard Shri H. K. Munde, learned Advocate for the Applicants in all these O.As., Shri I. S. Thorat, Smt. Sanjivani K. Deshmukh-Ghate, Smt. Resha S. Deshmukh and Smt. Deepali S. Deshpande, learned

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Presenting Officers for the respondent nos.1 to 3 in respective O.As., Smt. M.S. Sawangikar, learned Advocate holding for Shri S.K. Sawangikar learned Advocate for respondent no.4 in O.A.No.196/2016 and Shri D.M. Shinde, learned Advocate for respondent no.4 in O.A. Nos.197, 203 & 205 all of 2016. Shri Amol Gaikwad / Shri V.D. Jadhav, learned Advocate for respondent no.4 in O.A.No.204/2016 is absent.

8. Learned Advocate for the applicants has submitted that the recruitment process conducted by the respondent no.2 was not transparent. He has submitted that in the written examination, applicants had secured highest marks. Respondent no.4, in all the O.As., secured less marks than the applicants but in the oral interview committee headed by respondent no.2 had given less marks to the applicants deliberately and intentionally to favour respondent no.4 in the O.As. He has argued that the respondent no.2 had allotted more marks to respondent

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no.4 by adopting malpractices. Chart showing marks obtained by the applicants and respondent no.4 in all the O.As. is as under:

Sr. No.	O.A.No.	Marks obtained by the applicant (Written + Oral)	Marks obtained by the respondent No.4 (Written + Oral)
1	196/2016	60 + 4.5 = 64.5	53 + 12.5 = 65.5
2	197/2016	65 + 7.6 = 72.6	61 + 12.6 = 73.6
3	203/2016	46 + 07 = 53	42 + 12 = 54
4	204/2016	72 + 8.2 = 80.2	69 + 12.6 = 81.6
5	205/2016	71 + 10.4 = 81.4	69 + 13.8 = 82.8

9. Learned Advocate for the applicants has argued that in view of the G.R. dated 26-08-2010, Government directed the respondent authorities to conduct only written examination of the candidates appearing for the post of Police Patil, and it was specifically resolved not to conduct oral interviews. He has submitted that respondent no.2 had ignored G.R. dated 26-08-2010 and published advertisement inviting applications from the candidates mentioning that written examination for 80 marks and

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oral interview for 20 marks will be conducted. He has submitted that recruitment process from the stage of written examination onwards is illegal as it is against the guidelines issued by the government in G.R. dated 26-08-2010, and therefore, he prayed to quash the recruitment process from the stage of written examination and prayed to declare the applicants as selected candidates and prayed to direct respondent no.2 to issue appointment order to them.

10. Learned P.O. as well as the learned Advocate for respondent no.4 have submitted that recruitment process had been conducted by the respondent no.2 as per the Government Resolutions and Recruitment Rules. He has submitted that advertisement has been published accordingly by the respondent no.2 mentioning terms and conditions therein. Advertisement dated 22-12-2015 expressly provides that written examination for 80 marks and oral interview for 20 marks of the eligible candidates will be conducted. They have submitted that the applicants in all the O.As. secured more marks in written examination

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but their performance in the oral interview was not up to the mark and they secured less marks in the interview. On considering aggregate marks in written and oral examination, candidates who secured highest marks had been selected for the post of Police Patil. They have submitted that members of the committee headed by the respondent no.2 considered the performance of each of the candidates appeared for oral interview on the basis of their intelligence, general knowledge, knowledge regarding local activities, current activities etc. and committee members had never favoured any of the candidates. On considering the marks secured by the candidates in the written and oral examination, selection of the candidates for the post of Police Patil has been made. They have submitted that respondent no.4 in all the O.As. secured highest marks in aggregate (written and oral examination). Therefore, they are declared as selected candidates, and accordingly, appointment orders are issued and they have joined their posting.

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11. Learned P.O. and learned Advocate for respondent no.4 in all the O.As. have submitted that the applicants are relying on the G.R. dated 26-08-2010 but the said G.R. has been cancelled by the Government by G. R. dated 23-08-2011. They have submitted that by the said G.R. government has decided to conduct written examination of 80 marks and oral examination of 20 marks of the candidates appearing for appointment on the post of Police Patil. They have further submitted that the guidelines have been issued by the Government in another G.R. dated 22-08-2014 regarding appointment of Police Patil. Considering the said guidelines in the above said G.Rs. respondent no.2 conducted entire recruitment process which was fair, transparent and impartial. Therefore, they have prayed to reject the O.As.

12. On going through the documents on record, it is crystal clear that the applicants secured highest marks in the written examination. The applicants, respondent no.4

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in all the O.As. and other candidates had been called for oral interview. Oral interviews had been conducted on the basis of their intelligence, general knowledge, knowledge regarding local activities, current activities etc. The committee was constituted in view of the G.R. dated 23-08-2011. Sub Divisional Magistrate was the Chairman of the committee while Sub Divisional Police Officer, Social Welfare Officer, Tribal Development Officer and Tahsildar were members of the committee, which had conducted oral interviews of the candidates appeared for the post of Police Patil. After conducting oral interviews of the candidates and after assessing their performance in oral examination committee members have allotted marks to the candidates. It is an admitted fact that, in the oral interview, the applicants secured less marks than the respondent no.4 in all the O.As. On considering the aggregate marks (in written and oral examination) secured by applicants, respondent no.4 in all the O.As. and other candidates, final select list had been prepared. Respondent

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no.4 in all the O.As. had secured highest marks in aggregate (written and oral examination). Therefore, respondent no.4 in each of the O.As. were declared as selected candidates for the post of Police Patil. There is nothing on the record to show that members of the committee favoured respondent no.4 in all the O.As. by adopting malpractices and they had given more marks to the respondent no.4 deliberately and intentionally. In the absence of substantial documents and evidence on record, contentions of the applicants in that regard are not acceptable. Advertisement issued by the respondent nos.2 for recruitment of Police Patil clearly states that written as well as oral examination will be conducted in view of the relevant G.Rs. and accordingly, respondent no.2 has conducted written and oral examination. Therefore, in my opinion, there is no illegality on the part of the respondent no.2 in conducting oral interview.

13. Main contention of the applicants is that in view of G.R. dated 26-08-2010, the Government decided to conduct

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only written examination of the candidates appearing for selection of Police Patil and not to conduct oral interviews. G.R. dated 26-08-2010 has been cancelled by the Government by its G.R. dated 23-08-2011, which is reproduced as under:

^'kl u fu.kz & i syhl i kvhy i nkojhy fu; Drhl kBh fn-
26-8-2010 P; k 'kl u fu.kz kUo; s QDr 100 xqkqph ys[kh
ijh{kk ?ks; kl calkh ?ks-ysk fu.kz jI d: u] ; ki q-s i syhl
i kvhy i nkojhy fu; Drhl kBh 80 xqkqph ys[kh ijh{kk o 20
xqkqph rkMh 1/2 eyk[kr 1/2 ijh{kk ?ks; kl 'kl u ; k fu.kz k}kjs
ekU; rk nr vkgs ys[kh ijh{kk b; Rrk ngkohl ; P; k
vH; kl dækoj vk/kkjhr vl koh- ; ke/; sl kekU; Kku] xf.kr]
LFkkfud ifjI jkph ekfgrh o pkyw ?kMkekMh ; kpk I ekos k
vl kok-

2- 20 xqkqph rkMh ijh{kk ?ks; kdjhrk] mi foHkkxh;
nMkf/kdk&; kauh R; kP; k v/; {krs[kkyh i qhyi æk.ksl ferh xBhr
dj.; kr ; koh- %&

- mi foHkkxh; nMkf/kdkjh && v/; {k
- mi foHkkxh; i syhl vf/kdkjh && I nL;
- I ektdY; k.k vf/kdkjh && I nL;
- vkfnokl hi dYi vf/kdkjh && I nL;
- I cã/kr rkyD; kpsrgfl ynkj && I nL; I fpo

3- I nj vkns k] gs; k vkns kP; k fnukadki kl u veykr ; rhy-**

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14. Since G.R. dated 26-08-2010 had been cancelled by G.R. dated 23-08-2010, the applicant cannot rely on the same for quashing recruitment process from the stage of written examination onwards. Therefore, in my opinion, there is no substance in the submissions advanced by the learned Advocate for the applicant in that regard.

15. It is also material to note here that the applicants have not challenged entire selection process or the notification / proclamation issued by the respondent no.2. If the applicants had any grievance for conducting oral interview in the recruitment process then they ought to have challenged the G.R. passed by the Government. But they have not challenged entire recruitment process. Therefore, the relief sought by the applicants to cancel the recruitment process from the stage of written examination cannot be considered. Therefore, prayer of the applicants in that regard is liable to be rejected.

16. Respondent no.2 has declared respondent no.4 in all

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the O.As. as selected candidates for appointment as Police Patil of respective villages. Not only this but respondent no.2 has also issued appointment orders to respondent no.4 in all the O.As., and accordingly, they have joined their duties and started working as Police Patil of respective villages. Therefore, relief claimed by the applicants to restrain respondent no.2 from issuing appointment order to respondent no.4 in all the O.As. become infructuous.

17. In view of the above discussion, there is no merit in the O.As. Therefore, same deserve to be dismissed. In view thereof, O.A.Nos.196/2016, 197/2016, 203/2016, 204/2016 and 205/2016 are dismissed with no order as to costs.

(B. P. Patil)
MEMBER (J)

Place : Aurangabad
Date : 24-07-2017.