

MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.435/2016

DISTRICT: JALGAON

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Pawan Yuvraj Patil,  
Age : 26 years, Occ : Labour,  
R/o: Viravali, Tq. Yawal,  
Dist. Jalgaon.

..APPLICANT

V/s.

- 1] The District Collector,  
Jalgaon, Tq. and Dist. Jalgaon.
- 2] The Sub Divisional Magistrate,  
Faizpur Division Faizpur,  
Tq. Yawal, Dist. Jalgaon.
- 3] The Sub Divisional Officer,  
Faizpur Sub Division, Faizpur,  
Tq. Yawal, Dist. Jalgaon.
- 4] The Tahsildar,  
Yawal, Tq. Yawal,  
Dist. Jalgaon.
- 5] The Assistant Commissioner,  
Social Welfare Department,  
Mahabal Colony, Jalgaon,  
Tq. and Dist. Jalgaon.
- 6] The Project Officer,  
Integrity Tribal Development Project,  
Yawal, Tq. Yawal, Dist. Jalgaon.
- 7] Chandrakant Devidas Patil,  
Age – 41 Years, Occ : Labour,  
R/o. Viravali, Tq. Yawal,  
Dist. Jalgaon.

...RESPONDENTS  
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APPEARANCE: Shri A.D.Sonar learned Advocate holding for Shri Vijay Patil learned Advocate for the applicant.

Shri S.K.Shirse learned Presenting Officer for respondent nos.1 to 6.

Shri V.M.Vibhute learned Advocate for respondent no.7.

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CORAM: Hon'ble Shri B. P. Patil, Member (J)  
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DATE : 11-04-2017  
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### **ORAL ORDER**

The applicant has challenged selection of the respondent no.7 on the post of Police Patil of Village Viravali, Tq. Yawal, Dist. Jalgaon as per the selection list dated 19-03-2016 finalized by the Sub Divisional Officer, Faizpur, Division Faizpur.

2. It is the contention of the applicant that he himself, respondent no.7 and others applied for the post of Police Patil of Village Viravali, Tq. Yawal, Dist. Jalgaon in pursuance of the advertisement published on 02-11-2015. Eligible candidates appeared in the written examination. After qualifying written examination, applicant, respondent no.7 and one Dinkar Bhaurao Kshirsagar were called for oral examination on

17-03-2016. It is the contention of the applicant that applicant has secured 58 marks and respondent no.7 has secured 55 marks in the written examination but in the oral interview, Committee Members have given 10 marks to the applicant and 14 marks to the respondent no.7, purposely. It is his contention that he possesses degree of B.A. and M.S.W. while respondent no.7 has passed Higher Secondary Examination i.e. 12<sup>th</sup> only. It is his contention that he is more qualified person than the respondent no.7 but the said aspect has not been considered by the members of the selection committee and they have intentionally given less marks to the applicant in the oral interview, and have selected respondent no.7 on the post of Police Patil of Village Viravali. It is further submitted by the applicant that selection process conducted by the respondents was not fair, and therefore, he prayed for quashing selection list dated 19-03-2016 published by Sub Divisional Officer, Faizpur, Division Faizpur for the post of Police Patil of Village Viravali by filing present O.A.

3. Respondents have filed their reply affidavit and contended that the applicant, respondent no.7 and other

eligible candidates were called for written examination which was conducted for 80 marks on 13-12-2015. Eligible candidates qualified for interview were called for oral interview on 17-03-2016. Oral interviews were conducted for 20 marks. Members of the committee after assessing personality, confidence and presence of mind of the candidates allotted marks to the concerned candidates. It is their contention that respondent no.7 has secured 55 marks in written examination and 14 marks in oral interview and thereby secured 69 marks in aggregate while applicant has secured 58 marks in written test and 10 marks in oral interview. As such in aggregate he has secured 68 marks. It is their contention that in view of the recruitment rules of the Police Patil selection of the respondent no.7 has been done on merit, as he has secured highest marks amongst the candidates who were called for written and oral test.

4. It is their contention that accordingly name of the selected candidate has been published by the Sub Divisional Officer on 19-03-2016. It is their contention that there is no illegality in the selection process conducted by the Sub Divisional Officer. It is the

contention of the respondents that minimum qualification for the post of Police Patil is passing of Secondary School Certificate Examination (SSC) and it is not mentioned anywhere in the rules that persons having higher educational qualification shall be selected on the said post. It is therefore submitted that there is no illegality in the selection process and therefore, the O.A. deserves to be dismissed.

5. Heard Shri A.D.Sonar learned Advocate holding for Shri Vijay Patil learned Advocate for the applicant, Shri S.K.Shirse learned Presenting Officer for respondent nos.1 to 6 and Shri V.M.Vibhute learned Advocate for respondent no.7.

6. Learned Advocate for the applicant has submitted that the applicant has secured 58 marks in the written test. He has passed BA and MSW (Social Work). He is more qualified person than the respondent no.7. The applicant secured 58 marks in written examination. But the Committee members have intentionally given 10 marks i.e. less marks to him in oral examination. Respondent no.7 has secured 55 marks in the written

examination and the members of the selection committee have given 14 marks to respondent no.7 in the oral examination, and therefore, respondent no.7 has secured 69 marks in aggregate while the applicant has secured 68 marks in aggregate. Applicant has submitted that intentionally less marks have been given to the applicant in the oral interview, and therefore, it is just to quash selection of respondent no.7 as a Police Patil of Village Viravali.

7. Learned P.O. and learned Advocate for the respondent no.7 have submitted that entire selection process for the post of Police Patil of Village Viravali has been conducted as per the recruitment rules for the post of Police Patil. It is submitted by them that minimum qualification required for applying for the post of Police Patil is SSC and a candidate must pass SSC Examination to apply for the post of Police Patil. As per recruitment rules and advertisement there is no mention that person having higher qualification will be given preference. They have submitted that eligible candidates had appeared for the written examination. Applicant has secured 58 marks, respondent no.7 has secured 55 marks and one

Shri Dinkar Bhaurao Kshirsagar has secured 54 marks in the written test. They were called for oral interview which was held on 17-03-2016. After assessing their personality, confidence and presence of mind in the oral interview, committee members have allotted marks to the candidates as per their performance in the oral interview. Applicant has secured 10 marks, respondent no.7 has secured 14 marks and Shri Dinkar Bhaurao Kshirsagar has secured 9 marks in the oral interview. Applicant has secured 68 marks in aggregate while respondent no.7 has secured 69 marks and Shri Dinkar Bhaurao Kshirsagar has secured 63 marks in aggregate.

8. As the respondent no.7 has secured highest marks amongst the candidates called for the written examination and oral interview, he has been declared as selected candidates for the post of Police Patil, and accordingly, select list has been published. Respondents have submitted that there is nothing on the record to show that intentionally less marks have been given to the applicant, and therefore, they prayed for dismissal of the original application.

9. On going through the advertisement dated 02-11-2015, it reveals that the minimum educational qualification for being eligible for the post of Police Patil is SSC (page 22) and the candidates have to pass minimum SSC Examination for being eligible for the post of Police Patil. Guidelines mentioned in the advertisement as well as the recruitment rules do not provide that preference should be given to the highly qualified person while selecting a candidates on the post of Police Patil. Selection Committee has conducted written examination of 80 marks as well as oral interview of 20 marks. Applicant, respondent no.7 and Shri Dinkar Bhaurao Kshirsagar have secured 58, 55 and 54 marks, respectively, in the written examination. They were called for oral interview. In the oral interview after assessing their performance committee has allotted 10 marks to the applicant, 14 to the respondent no.7 and 9 marks to Shri Dinkar Bhaurao Kshirsagar. The applicant has secured 68 marks, respondent no.7 has secured 69 marks and Shri Dinkar Bhaurao Kshirsagar has secured 63 marks in aggregate, which is evident from the compilation of the marks allotted in the written test and



oral interview (pages 48 to 53). Respondent no.7 has secured highest marks amongst the candidates called for written test, oral interview, and therefore, he has been selected by the selection committee on the post of Police Patil. Marks allotted to the candidates in oral interview and on the basis of performance have been placed on record at paper book page 45 to 47.

10. No doubt, the applicant has acquired higher education qualification than the respondent no.7 but the recruitment rules for selection for the post of Police Patil does not provide that preference should be given to the candidate possessing higher educational qualification. On the contrary, it shows that the candidates should be selected on merit. Therefore, in my opinion, there is no substance in the submissions advanced by the learned Advocate for the applicant that the selection committee ought to have selected the applicant considering his higher educational qualification. There is nothing on the record to show that members of the committee have intentionally allotted less marks to the applicant and more marks to the respondent no.7.

11. In the absence of any evidence as regards allegations levelled by the applicant, those allegations have to be termed as baseless. There is no substance in the submissions advanced on behalf of the applicant. Impugned order selecting the respondent no.7 on the post of Police Patil is according to the provisions of recruitment rules for the said post. Therefore, the appointment order cannot be termed as illegal. No interference is called for in the selection process under challenge. There is no merit in the O.A. Hence it must fail. Consequently, O.A. stands dismissed with no order as to costs.

**MEMBER (J)**

YUK sb oa 435.16 police patil bpp