

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.436/2016

DISTRICT: PARBHANI

Pradeepkumar s/o. Bhimrao Ghule,
Age : 39 years, Occ : Agriculture,
R/o. At Taltumba, Post Patoda,
Tq. Sailu, Dist. Parbhani.

...Applicant

V/s.

1. State of Maharashtra,
Through Secretary,
Home Department,
Mantralaya, Mumbai.
2. The Collector,
District Parbhani.
3. Sub Divisional Officer and
Chairman of the Selection Committee,
Tq. Sailu, Dist. Parbhani.
4. Member Secretary/Tahsildar,
Sailu, Tq. Sailu, Dist. Parbhani.
5. Rustum s/o. Baburao Ghule,
Age : 30 years, Occ : Service,
R/o : Taltumba,
Tq. Sailu, Dist. Parbhani. ...Respondents

APPEARANCE: Shri Subhash Sawangikar learned
Advocate for the applicant.
Shri I.S.Thorat learned Presenting
Officer for the respondent nos.1 to 4.
Shri P.K.Ippar learned Advocate for
respondent no.5.

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

DATE : 26-04-2017

ORAL ORDER:-

Applicant has challenged appointment of respondent no.5 as Police Patil of Village Taltumba, Post Patoda, Tq. Sailu, Dist. Parbhani.

2. It is contention of the applicant that the respondent no.3 has published advertisement dated 22-12-2015 inviting applications from eligible candidates for appointment on the post of Police Patil of Village Taltumba. Accordingly, applicant, respondent no.5 and other candidates filed the application. Thereafter, they appeared for the written examination. Applicant has secured 65 marks while respondent no.5 has secured 67 marks out of 80 in written examination.

3. After written examination answer key was supplied to the candidates. It is the contention of the applicant that he made his own evaluation on the basis of answer key and he evaluated that he would have secured 68

marks in the written examination. But the respondent no.3 has not evaluated the answer sheet properly and therefore, he got only 65 marks. Thereafter, applicant alongwith respondent no.5 and others was called for oral interview. In the oral interview applicant has secured 10 marks while respondent no.5 has secured 11 marks out of 20. After final result, applicant has secured 75 marks in aggregate while respondent no.5 has secured 78 marks. Respondent no.5 has been selected on the post of Police Patil as he got highest marks amongst the candidates called for oral interview. Respondent no.3 has, accordingly, issued appointment letter in favour of the respondent no.5. It is the contention of the applicant that his answer sheet has not been properly evaluated by the respondent no.3, and therefore, he got less marks than the applicant in the written examination. It is the contention of the applicant that as per his own assessment he would have secured 68 marks in the written examination but respondent no.3 has allotted only 65 marks to him. Therefore, he prayed to quash

recruitment process from the stage of written examination. He has also prayed to quash and set aside the appointment order dated 26-02-2016 of the respondent no.5 issued by respondent no.3.

4. Respondents have filed their affidavit in reply and contended that recruitment process has been conducted as per the terms and conditions mentioned in the advertisement and also by following the recruitment rules. It is their contention that, after written examination, answer key has been published by respondent no.3. Nobody objected to the answer key within stipulated time. Thereafter, answer sheets of the candidates have been scrutinized, checked and marks have been allotted to them. In the written examination the applicant has secured 65 marks and respondent no.5 secured 68 marks. Eligible candidates including the applicant and respondent no.5 were called for oral interview. The applicant has not raised objection about the evaluation of answer sheet and marks given to him

and others at that time. Thereafter, the applicant, respondent no.5 & others appeared for oral interview held on 20-02-2016. As per their performance in the oral interview marks have been allotted to them. In the oral interview, applicant has secured 10 marks and respondent no.5 has secured 11 marks. Applicant has secured 75 marks and respondent no.5 has secured 78 marks in aggregate. As the respondent no.5 has secured highest aggregate marks in the written examination and oral interview, he has been selected and appointed on the post of Police Patil by order dated 26-02-2016. It is their contention that the applicant has not raised any objection before the respondent no.3 as regards checking or evaluating the answer sheet at the proper stage. Therefore, the present O.A. is not maintainable. They have further contended that respondent no.3 has followed the terms and conditions in the advertisement and the recruitment rules, and thereafter, issued appointment order in favour of respondent no.5. There

was no illegality in the recruitment process. Therefore, they have prayed to dismiss the O.A.

5. Heard Shri Subhash Sawangikar learned Advocate for the applicant, Shri I.S.Thorat learned Presenting Officer for the respondents and Shri P.K.Ippar learned Advocate for respondent no.5. Perused documents filed by the parties on record.

6. Only grievance of the applicant is that his answer sheet has not been properly checked by the respondent no.3 as per answer key supplied to them. Applicant has contended that, he has gone through the answer key and as per his own evaluation, he would have been given 68 marks in the written examination but the respondent no.3 has allotted only 65 marks to him. It is his contention that had the respondent no.3 given 68 marks in the written examination to him then he would have secured 78 marks in aggregate taking into consideration 10 marks of oral interview, and consequently he, could

have been selected for appointment on the post of Police Patil on the basis of his higher educational qualification. He has submitted that respondent no.3 has not conducted recruitment process properly and fairly, and therefore, the same is required to be quashed and set aside from the stage of written examination.

7. Learned P.O. has submitted that in view of the conditions mentioned in the advertisement, which is placed on record at paper book page 13 onwards, as per condition no.16 (page 22), respondents have to publish model answer key after conducting written examination. Objection as regards answer key were invited till 5.45 on the next day of written examination. It is made clear in the advertisement that objection in that regard received after that period will not be considered, and authorities shall take final decision accordingly on objections received during stipulated time. Learned P.O. has submitted that applicant has neither raised objection to the answer key nor filed application for rechecking and

re-evaluation of the answer sheet within the prescribed time limit. Applicant has submitted objection after publishing the select list and appointment of respondent no.5 on the post of Police Patil. Respondents have submitted that there is nothing on the record to show that answer sheet of the applicant has not been properly evaluated. Moreover, they have submitted that there is no substance in the O.A., and prayed to dismiss the O.A.

8. On going through the record it seems that the applicant has secured 65 marks while respondent no.5 has secured 67 marks in the written examination out of 80. Result of written examination has been declared, and thereafter, 5 candidates, including the applicant, who had secured highest marks in the written examination were called for oral interview on 20-02-2016. At that time, applicant has not raised any objection. He had accepted the result of the written examination and appeared for oral interview. After oral interview, final result has been published on 25-02-2016 wherein

respondent no.5 has secured highest marks i.e. 78 marks in aggregate, and therefore, he was declared as selected candidate. Applicant has not raised any objection before the Sub Divisional Officer in that regard also. But the applicant had approached the Hon'ble High Court by filing Writ Petition, and then filed the present O.A. before this Tribunal.

9. In view of the above fact and circumstances of the case, it is crystal clear that except bare words of the applicant there is nothing on the record to show that his answer sheet has not been evaluated properly by the respondent no.3. Applicant has claimed that as per his evaluation he would have secured 68 marks in the written examination. The applicant has not produced any documentary evidence in that regard. Hence, I find no substance in such submission made in that regard on behalf of the applicant. There is no evidence on record to show that the answer sheet of the applicant has not been evaluated properly by the respondent no.3. In the

absence of any evidence such submissions of the applicant are not acceptable. There is no illegality in the recruitment process conducted by the respondent no.3. Recruitment process has been conducted as per rules and by following due procedure. Therefore, no interference in the impugned order is called for. There is no merit in the O.A. Hence, O.A. deserves to be dismissed. O.A. is dismissed with no order as to costs.

MEMBER (J)