

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.84/2018

DISTRICT: HINGOLI

Bhunesh s/o. Bhagorao Maske,
Age : 26 years, Occu. : Nil,
R/o. Khanapur Bangala,
Post Sawargaon Bangala,
Tq. & Dist. Hingoli.

...APPLICANT

V E R S U S

- 1) The Collector-Cum-District Magistrate,
Hingoli, District Hingoli.
- 2) The Sub Divisional Officer cum
President, Selection Committee for
Police Patil Recruitment 2017 Hingoli,
Tq. & Dist. Hingoli.
- 3) Deelip s/o. Goursing Rathod,
Age : 25 years, Occ : Agril.,
R/o. Khanapur Bangala,
Post Sawargaon Bangala,
Tq. & Dist. Hingoli.

...RESPONDENTS

APPEARANCE :Shri H.V.Patil Advocate for the Applicant.

:Shri N.U.Yadav Presenting Officer for the
respondent nos.1 and 2.

:Shri V.D.Rakh Advocate for respondent
no.3.

CORAM : B. P. Patil, Member (J)

DATE : 24th October, 2018

J U D G M E N T
[Delivered on 24th day of October, 2018]

1. The applicant has challenged the select list dated 02-02-2018 published by the respondent no.2 selecting respondent no.3 as Police Patil of Village Khanapur Bangala, Tq. & Dist. Hingoli by filing present O.A. and prayed to quash and set aside the same.

2. Applicant is resident of village Khanapur Bangala, Tq. & Dist. Hingoli. He has passed SSC Examination in the June, 2010 and secured 52.20% marks. He has completed HSC in the year 2012 and secured 63.83% marks. He became Graduate in Arts from Yashwantrao Chavan Maharashtra Open University, Nashi and he has secured 50% marks.

3. On 06-12-2017, respondent no.2 issued an advertisement inviting applications for the post of Police Patil to be appointed in several villages of Sub Division Hingoli including Khanapur Bangala. The applicant, respondent no.3 as well as other aspiring candidates filed applications for appointment on the post of Police Patil of Village Khanapur Bangala. The applicant, respondent no.3 and others appeared for written

examination on 07-01-2018. Thereafter, the applicant and respondent no.3 were called for oral interview scheduled on 17-01-2018 and they were directed to bring all the original documents, two sets of photocopies along with two passport size photographs while appearing for oral interview. Accordingly, he appeared in the office of respondent no.2 on 17-01-2018 along with original documents, its copies and produced the same before the authorities. Respondent no.3 had also appeared on the same day but he had not produced the original documents like marks sheet of SSC and Board Certificate of SSC. However, he was allowed to appear for oral interview for the reasons best known to the respondent no.2.

4. It is further contention of the applicant that on 02-02-2018 respondent no.2 published list of the selected candidates for the post of Police Patil of Villages as per advertisement and declared respondent no.3 as selected candidate to be appointed on the post of Police Patil of Village Khanapur Bangala, Tq. & Dist. Hingoli. Immediately, after publication of the select list the applicant filed an application with the respondent no.2 raising contention that the respondent no.3 had not

produced original documents for verification before the respondent no.2 as per the terms and conditions mentioned in the advertisement and prayed to cancel his selection but respondent no.2 had not taken decision in that regard. Therefore, he had moved another application dated 03-02-2018 raising similar contentions and requested not to give appointment to the respondent no.3. It is contention of the applicant that respondent no.2 had not conducted the selection process with transparency. He had permitted the respondent no.3 to appear for oral interview though he had not produced the original documents for verification. It is his contention that as the respondent no.3 had not produced the original marks sheet of SSC Examination and certificate before his oral interview, his candidature ought to have been cancelled and he should have been disqualified for oral interview but the respondent no.2 has not taken proper action and permitted the respondent no.3 to appear for oral interview, which is illegal. Therefore, he has prayed to quash the selection list dated 02-02-2018 selecting respondent no.3 as Police Patil of Village Khanapur Bangala, Tq. & Dist. Hingoli by allowing the O.A.

5. Respondent nos.1 and 2 resisted the contentions of the applicant by filing their affidavit in reply. They have not disputed the fact that the respondent no.2 invited applications from eligible candidates for appointment on the post of Police Patil of Village Khanapur Bangala, Tq. & Dist. Hingoli and the applicant, respondent no.3 and other eligible candidates participated in the recruitment process. They have not disputed the fact that the applicant and respondent no.3 appeared for the written examination and they passed the written examination. Thereafter, they were called for oral interview held on 17-01-2018.

6. Respondents have admitted the fact that the candidates called for oral interview had been directed to bring original documents and 2 sets of photocopies along with 2 passport size photographs for verification. They have admitted the fact that the applicant and the respondent no.3 remained present on the date of oral interview. It is their contention that the applicant produced original documents at the time of verification. They have also admitted the fact that respondent no.3 did not possess original SSC marks sheet and certificate but the respondent no.3 possessed duplicate copies of SSC marks sheet and

certificate and other original certificates along with online downloaded copies of SSC marks sheet and certificate issued by Divisional Secretary, MSBSHSE, Pune.

7. It is their contention that during the verification of the documents, respondent no.3 informed the respondent no.2 that his original marks sheet and certificate of SSC had been lost while travelling to Pune. Therefore, he had applied for duplicate copies of SSC marks sheet and certificate with the concerned authorities and collected the same. He had requested respondent no.2 to consider duplicate certificate of SSC and marks sheet of SSC. The respondent no.2 permitted him to produce the duplicate SSC marks sheet and certificate for verification and after verification of the documents permitted him to appear for oral interview. Accordingly, he appeared for oral interview.

8. It is contention of respondent nos.1 and 2 that in the written examination, applicant had secured 43 marks while respondent no.3 has secured 44 marks in the written examination. In the oral interview the applicant had secured 09 marks and the respondent no.3 has secured 17 marks. The applicant has secured 52 marks in aggregate while the respondent no.3 has secured 61 marks in

aggregate. Since the respondent no.3 has secured highest marks he was declared as selected candidate. It is their contention that the committee headed by respondent no.2 conducted oral interview of the eligible candidates and allotted marks to the candidates on the basis of their performance in the oral interview, their educational qualification, general knowledge etc. It is their contention that there is nothing illegal in the recruitment process conducted by the respondent no.2 and the recruitment process has been conducted with transparency. Therefore, they have prayed to reject the O.A.

9. Respondent no.3 has also resisted the contentions of the applicant by filing his affidavit in reply. He has not denied the fact that applicant appeared for written examination and oral interview along with him. He has admitted that the oral interviews had been conducted on 17-01-2018. He has not disputed the fact that in the communication received to him while calling for oral interview, he was directed to bring all the original documents, two sets of its photocopies and two passport size photographs for verification before appearing for interview. It is his contention that in the year 2011, while

travelling to Pune, he lost original SSC marks sheet and certificate, and thereafter, he obtained duplicate copies of the SSC marks sheet and certificate from the concerned authorities. Same were issued by the competent authority and therefore the same are having status of original documents. He possessed duplicate copies of SSC marks sheet and certificate when he appeared for oral interview. He requested the members of the interview committee to consider duplicate copies of educational certificates as his original certificates have been lost. His request was considered by the committee and he was permitted to appear for interview. It is his contention that he appeared for oral interview and secured highest marks in aggregate. He secured 61 marks in aggregate while applicant secured 52 marks in aggregate, and therefore, he being a candidate who secured highest marks, was declared as selected candidate for the post of Police Patil. He has contended that there was no illegality in the recruitment process, and therefore, he requested to dismiss the O.A.

10. The applicant has filed affidavit in rejoinder and resisted the contention of the respondents. It is his contention that the respondent no.3 ought to have

mentioned about loss of original documents while filing the application for the post of Police Patil but he has not mentioned the same. It is his contention that the duplicate copies of the SSC marks sheet and certificate cannot be treated at par with the original. It is his contention that respondent no.2 has not followed the mandatory terms and conditions mentioned in the advertisement and relied on the duplicate copies of documents produced by the respondent no.3, which is against the terms and conditions mentioned in the advertisement. Therefore, the applicant has prayed to allow the O.A.

11. I have heard Shri H.V.Patil Advocate for the Applicant, Shri N.U.Yadav Presenting Officer for the respondent nos.1 and 2 and Shri V.D.Rakh Advocate for respondent no.3. Perused documents place on record by the parties.

12. Admittedly, the applicant and the respondent no.3 are the residents of Village Khanapur Bangala, Tq. & Dist. Hingoli. Admittedly, respondent no.2 Sub Divisional Officer published an advertisement dated 06-12-2017 inviting applications from aspiring candidates for appointment on the post of Police Patil of different villages of sub Division Hingoli including Village Khanapur Bangala. Admittedly,

the applicant, respondent no.3 and others applied for the said post of Police Patil of Village Khanapur Bangala, Tq. & Dist. Hingoli. They appeared for written examination. The applicant and respondent no.3 had been called for oral interview scheduled on 17-01-2018 by the respondent no.2. Admittedly, both were directed to bring original documents along with two sets of photocopies and two passport size photographs on the date of oral interview for verification. Admittedly, the applicant has produced all the original documents before the interview committee. Admittedly, the respondent no.3 has not produced original marks sheet and certificate of SSC Examination at the time of oral interview on the ground that the original documents were lost in the year 2011 when he was travelling to Pune. Admittedly, respondent no.3 made request to the respondent no.2 to consider the duplicate copies of the SSC marks sheet and certificate procured by him from the competent authority since the originals had been lost and his request has been accepted by the respondent no.2. Accordingly after verification of the documents he was permitted to appear for the oral examination.

13. Admittedly, after conclusion of oral interview, the select list of the candidates to be appointed in different villages including Village Khanapur Bangala, Tq. & Dist. Hingoli has been published on 02-02-2018. The respondent no.3 was declared as selected candidate as he secured highest marks i.e. 61 marks in aggregate. Admittedly, the applicant had secured 52 marks in aggregate.

14. Learned Advocate for the applicant has submitted that while issuing advertisement dated 06-12-2017, respondent no.2 has mentioned the terms and conditions and the procedure to be adopted while conducting recruitment process. He has submitted that copy of advertisement is produced on record at paper book page 16-27. He has submitted that as per the condition no.1 of the terms and conditions at paper book page 20, the candidates eligible for oral interview have to produce original documents and certificates for verification before appearing for oral interview. Those candidates failing to produce original documents will not be considered for oral interview and for appointment on the post of Police Patil. He has submitted that as per the said terms and

conditions, respondent no.2 directed the applicant and respondent no.3 to bring all the original documents, 2 sets of photocopies and 2 passport size photographs while appearing for oral interview.

15. Learned Advocate for the applicant has submitted that the applicant had produced original documents but the respondent no.3 had not produced the original documents. Respondent no.3 was not possessing original SSC marks sheet and certificate and he produced its duplicate. He has submitted that the said act on the part of the respondent no.3 is against the terms and conditions mentioned in the advertisement. Therefore, respondent no.2 ought not have permitted the respondent no.3 to appear for oral interview but the respondent no.2 illegally permitted respondent no.3 to participate in oral interview and thereafter declared him as selected candidate. He has submitted that act of the respondent no.2 is illegal, and therefore, he has prayed to quash the selection of the respondent no.3 as Police Patil of Village Khanapur Bangala, Tq. & Dist. Hingoli by allowing the O.A. He has also prayed to quash the select list published by respondent no.2 on 02-02-2018.

16. Learned P.O. as well as the learned Advocate for respondent no.3 have submitted that respondent no.2 has strictly followed the recruitment rules as well as the terms and conditions mentioned in the advertisement dated 06-12-2017. He has submitted that on the date of oral interview i.e. on 17-01-2018, respondent no.3 appeared before the selection committee and submitted that the original SSC marks sheet and certificate had been lost in the year 2011 when he was travelling to Pune, and therefore, he had applied for its duplicate to the concerned authorities. The concerned authorities issued duplicate certificate to the respondent no.3. Therefore, he requested respondent no.2 to verify the copies on the basis of duplicate certificate issued by the concerned authorities. They have submitted that request of the respondent no.3 has been accepted by the respondent no.2 and after verification of the documents produced by him, he was permitted to participate in the oral interview. It is their contention that on the basis of performance of the candidates appeared for oral interview, selection committee allotted the marks to the candidates. The applicant has secured 52 marks in aggregate while respondent no.3

secured 61 marks in aggregate. He has submitted that respondent no.3 has secured highest marks and therefore, he was declared as selected candidate and accordingly select list was published. They have submitted that there is no illegality in the recruitment process conducted by respondent no.2, and therefore, they have prayed to reject the O.A.

17. On perusal of record, it reveals that applicant as well as the respondent no.3 were called for oral interview on 17-01-2018 along with original documents, 2 sets of photocopies of the documents and 2 passport size photographs. Respondent no.3 has filed an application dated 17-01-2018 (page 47) with the respondent no.2 stating that his SSC marks sheet and certificate had been lost in the year 2011 when he was travelling to Pune, and therefore, he obtained duplicate copies from the concerned Board. He has requested the respondent no.2 to accept the said documents and allow him to appear for oral interview. Respondent no.2 passed the order and permitted the respondent no.3 to produce duplicate copies duly issued by the competent authority and also permitted him to appear

for oral interview by passing reasoned order on the application dated 17-01-2018 (page 47).

18. The duplicate copies of SSC marks sheet and certificate have also been produced by the respondent no.3 for perusal before this Tribunal. On perusal of the same it reveals that duplicate marks sheet and certificate have been issued by the competent authority/Board which had issued the original certificate. Therefore, it cannot be said that the respondent no.3 had not produced original documents before his oral interview was conducted. Respondent no.2 has permitted him to produce duplicate copies since the respondent no.3 lost his original certificates. After verifying those documents, respondent no.2 permitted him to appear for oral interview. Reasoned order has been passed by respondent no.2 on paper book page 47 i.e. application dated 17-01-2018 filed by the applicant. There is nothing illegal in the said order. Therefore, in my opinion, there is no breach of terms and conditions mentioned in the advertisement as well as the recruitment rules of the Police Patil.

19. Respondent no.3 has secured highest marks in aggregate, and therefore, he was declared as selected

candidate. Respondent no.2 published list of the candidates on 02-02-2018. Entire recruitment process has been conducted by the respondent no.2 as per the terms and conditions mentioned in the advertisement and recruitment rules. Therefore, I find no illegality in the same. There is no substance in the submissions advanced by the learned Advocate for the applicant in that regard. Since there is no illegality in the recruitment process and selection list published by the respondent no.2, no interference is called for in the same. There is no merit in the O.A. Consequently, it deserves to be dismissed.

20. In view of the discussion in the foregoing paragraphs, O.A. stands dismissed with no order as to costs.

(B. P. PATIL)
MEMBER (J)

Place : Aurangabad
Date : 24-10-2018.