

MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD

T.A.No.02/2017 IN W.P.No.4838/2016

DISTRICT: JALGAON

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Yogesh Janardhan Patil,  
Age : 36 years, Occ : Agriculture,  
R/o. Pimpalgaon (Kh), Taluka Bhusawal,  
District Jalgaon. ...Applicant

V/s.

1. State of Maharashtra,  
Through Home Department,  
Mantralaya, Mumbai-32.
2. District Collector Jalgaon,  
District Jalgaon.
3. Sub Divisional Magistrate,  
Bhusawal Division, Bhusawal.
4. Bhagwat Dnyandev Warke,  
Age : Major, Occ : Agriculture,  
R/o : Pimpalgaon (Kh),  
Tqluka Bhusawal, District Jalgaon. ...Respondents

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APPEARANCE: Shri P.P.Kothari learned Advocate  
holding for Shri Satyajit Bora learned  
Advocate for the applicant.

Smt. Sanjivani Ghate learned Presenting  
Officer for the respondent nos.1 to 3.

Shri N.S.Desale learned Advocate for  
respondent no.4.

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CORAM: Hon'ble Shri B. P. Patil, Member (J)  
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DATE : 25-04-2017

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**ORAL ORDER:-**

1. Heard Shri P.P.Kothari learned Advocate holding for Shri Satyajit Bora learned Advocate for the applicant, Smt. Sanjivani Ghate learned Presenting Officer for the respondent nos.1 to 3 and Shri N.S.Desale learned Advocate for respondent no.4.

2. Applicant has challenged declaration of respondent no. as successful candidate in the recruitment process for the post of Police Patil of Village Pimpalgaon (Kh), Tq. Bhusawal, Dist. Jalgaon. The applicant has, thereafter, filed application dated 25-04-2016 challenging his appointment on the ground that respondent no.4 has criminal antecedents and he is affiliated to a political party. Complaint of the applicant has not been decided, and therefore, the applicant has approached the Hon'ble High Court of Judicature at Bombay Bench at

Aurangabad by filing Writ Petition No.4838 of 2016 on 26-04-2016. Said Writ Petition has been transferred to the Tribunal and it is registered as T.A.No.02/2017.

3. Learned Advocate for the applicant has submitted that main grievance of the applicant is that his complaint dated 25-04-2016 has not been decided by the Sub Divisional Officer, Bhusawal till today. He, thereafter, prayed to issue necessary direction to the respondent no.3.

4. Learned P.O. has submitted that as there was no opportunity to respondent no.3 to decide the application dated 25-04-2016 filed by the applicant, same is pending as the matter is sub-judice before the Tribunal.

5. On perusal of the record, it is clear that the applicant has filed complaint application on 25-04-2016 addressed to Sub Divisional Officer, Bhusawal and on the next day he approached the Hon'ble High Court without

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T.A.No.02/2017 IN W.P.No.4838/2016

giving reasonable time to the respondent no.3 Sub Divisional Officer, Bhusawal to take decision on the complaint dated 25-04-2016. The respondent no.3 has not decided it thereafter as the matter is sub-judice before the Tribunal.

6. In these circumstances, in my opinion, it will be just and proper to direct respondent no.3 Sub Divisional Officer, Bhusawal to decide the complaint application dated 25-04-2016 filed by the applicant on merit within 1 month from the date of this order by giving opportunity to both sides.

7. T.A.No.02/2017 (W.P.No.4838/2016) stands disposed of accordingly. There shall be no order as to costs.

**MEMBER (J)**

YUK ORAL ORDER 25-04-2017