

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMABI**  
**BENCH AT AURANGABAD.**

**OA Nos.269, 270, 271, 272, 273, 274 & 275 all of 2016.**

**DIST. JALGAON.**

**(1) ORIGINAL APPLICATION NO. 269/2016.**

(Subject : Police Patil)

-----

Sanjay s/o Chandrasing Patil,  
Age 44 years, Occu. Agril.,  
R/o At Post Pimpri, Tq. Raver,  
Dist. Jalgaon.

-- **APPLICANT**

VERSUS

1. The State of Maharashtra  
Through the Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
2. The Collector, Jalgaon,  
District Jalgaon.

(Copy to be served on the  
P.O. in M.A.T. Mumbai  
Bench at Aurangabad).

3. The Sub Divisional Magistrate,  
Faizpur Division, Dist.  
Jalgaon 425 503.
4. Vishwanath s/o Ashok Mahajan,  
Age major, Occu. Nil,  
R/o At Post Pimpri,  
Tq. Raver, Dist. Jalgaon.

-- **RESPONDENTS.**

**DIST. JALGAON.**

**(2) ORIGINAL APPLICATION NO. 270/2016.**

-----

Lalita w/o Pravin Jaitkar,  
Age 26 years, Occu. Housewife,  
R/o Walmiknagar, Ainpur,  
Tq. Raver, Dist. Jalgaon.

-- **APPLICANT**

VERSUS

1. The State of Maharashtra  
Through the Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
2. The Collector, Jalgaon,  
District Jalgaon.  
  
(Copy to be served on the  
P.O. in M.A.T. Mumbai  
Bench at Aurangabad).
3. The Sub Divisional Magistrate,  
Faizpur Division, Dist.  
Jalgaon 425 503.
4. Dipali w/o Babulal Tayade,  
Age major, Occu. Housewife,  
R/o Ainpur, Tq. Raver,  
Dist. Jalgaon.

-- **RESPONDENTS.**

-----

**DIST. JALGAON.****(3) ORIGINAL APPLICATION NO. 271/2016.**

-----

Pravin s/o Chudaman Chaudhari,  
Age 39 years, Occu. Labourer,  
R/o At Post Dhurkheda, Tq. Raver,  
Dist. Jalgaon.

**-- APPLICANT**

## VERSUS

1. The State of Maharashtra  
Through the Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
2. The Collector, Jalgaon,  
District Jalgaon.  
  
(Copy to be served on the  
P.O. in M.A.T. Mumbai  
Bench at Aurangabad).
3. The Sub Divisional Magistrate,  
Faizpur Division, Dist.  
Jalgaon 425 503.
4. Narendra s/o Madhukar Patil,  
Age major, Occu. Nil,  
R/o At Post Dhurkheda,  
Tq. Raver, Dist. Jalgaon.

**-- RESPONDENTS.**

-----

**DIST. JALGAON.****(4) ORIGINAL APPLICATION NO. 272/2016.**

-----

Dipak s/o Eknath Koli,  
Age 27 years, Occu. Labourer,  
R/o Nimbhol, Tq. Raver,  
Dist. Jalgaon.

**-- APPLICANT**

## VERSUS

1. The State of Maharashtra  
Through the Secretary,  
Home Department,  
Mantralaya, Mumbai-32.

2. The Collector, Jalgaon,  
District Jalgaon.

(Copy to be served on the  
P.O. in M.A.T. Mumbai  
Bench at Aurangabad).

3. The Sub Divisional Magistrate,  
Faizpur Division, Dist.  
Jalgaon 425 503.

4. Yogesh s/o Shriram Patil,  
Age major, Occu. Nil,  
R/o Nimbhol, Tq. Raver,  
Dist. Jalgaon.

**-- RESPONDENTS.**

---

**DIST. JALGAON.****(5) ORIGINAL APPLICATION NO. 273/2016.**

-----

Sheetal w/o Yogesh Patil,  
Age 29 years, Occu. Housewife,  
R/o At Post Kerhle(Bk.), Tq. Raver,  
Dist. Jalgaon.

**-- APPLICANT**

## VERSUS

1. The State of Maharashtra  
Through the Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
2. The Collector, Jalgaon,  
District Jalgaon.  
  
(Copy to be served on the  
P.O. in M.A.T. Mumbai  
Bench at Aurangabad).
3. The Sub Divisional Magistrate,  
Faizpur Division, Dist.  
Jalgaon 425 503.
4. Varsha w/o Pravin Patil,  
Age major, Occu. Housewife,  
R/o Kerhale (Bk.),  
Tq. Raver, Dist. Jalgaon.

**-- RESPONDENTS.**

-----

**DIST. JALGAON.****(6) ORIGINAL APPLICATION NO. 274/2016.**

-----

Malti w/o Nivrutti Sonawane,  
Age 40 years, Occu. Housewife,  
R/o Sudgaon, Tq. Raver,  
Dist. Jalgaon.

**-- APPLICANT**

VERSUS

1. The State of Maharashtra  
Through the Secretary,  
Home Department,  
Mantralaya, Mumbai-32.
2. The Collector, Jalgaon,  
District Jalgaon.

(Copy to be served on the  
P.O. in M.A.T. Mumbai  
Bench at Aurangabad).

3. The Sub Divisional Magistrate,  
Faizpur Division, Dist.  
Jalgaon 425 503.
4. Manisha w/o Yashwant Anuse,  
Age major, Occu. Housewife,  
R/o Sudgaon, Tq. Raver,  
Dist. Jalgaon.

**-- RESPONDENTS.**

-----

**DIST. JALGAON.****(7) ORIGINAL APPLICATION NO. 275/2016.**

-----

Dagdu s/o Babu Tadvi,  
Age 36 years, Occu. Agril.,  
R/o Andharmali, Tq. Raver,  
Dist. Jalgaon.

**-- APPLICANT**

## VERSUS

1. The State of Maharashtra  
Through the Secretary,  
Home Department,  
Mantralaya, Mumbai-32.

2. The Collector, Jalgaon,  
District Jalgaon.

(Copy to be served on the  
P.O. in M.A.T. Mumbai  
Bench at Aurangabad).

3. The Sub Divisional Magistrate,  
Faizpur Division, Dist.  
Jalgaon 425 503.

4. Ramzan s/o Ahmed Tadvi,  
Age major, Occu. Agri,  
R/o Andharmali,  
Tq. Raver, Dist. Jalgaon.

**-- RESPONDENTS.**

-----

- APPEARANCE** : Shri SD Joshi, learned Advocate for the Applicants in all the matters.
- : S/Shri M.P. Gude, I.S.Thorat, D.R. Patil, Smt. Priya Bharaswadkar, & Smt. Deepali Deshpande Learned Presenting Officers for the Respondents no.1 to 3 in respective matters.
- : Shri SG Bhalerao, learned Advocate for the Respondent no.4 in OA Nos.269 & 271 of 2016 and Shri S.B. Sant, learned Advocate for the Respondent no.4 in OA No.274/2016.
- :None appears for Respondent no.4 in OA Nos. 272 & 273 of 2016.
- CORAM** : **Hon'ble Shri JD Kulkarni, Member (J).**
- DATE** : 22.11.2016.

**JUDGMENT**

**(Delivered on this 22<sup>nd</sup> day of November, 2016)**

1. All these Original Applications are being disposed of by this common judgment.
  
2. In all the original applications the respective applicants are claiming direction to Respondents no.1 & 2 to initiate inquiry in the manner of holding oral interview for filling of the posts of Police Patil in pursuance to the Advertisement No.01/2015 dated 2.11.2015



issued by the Respondent no.2 and to consider the applicants' selection for the post of Police Patil.

3. From the facts as emerged, it seems that all the applicants and the private respondents in the respective original applications have applied for the post of Police Patil and participated in the recruitment process. As per condition no.4 of the advertisement it was decided to have written test of 80 marks and those candidates who secured minimum 36 marks in the written test were to be called for oral interview. As per clause No.6 the oral test was to be of 20 marks and it was necessary that the candidate must remain present in the oral test and if he remain absent for such oral test he will be disqualified. It was however, made clear that, even if the candidate gets zero mark in the oral interview still he will be considered on the marks obtained in written test, if he is qualifies on merits.

4. According to applicants they were interviewed by the competent authority. In fact the applicants have obtained more marks in the written test than the private respondents however, the competent authority has granted more marks to the private respondents in the oral interview so as to see that they got more

marks than respective applicants. This was done only with intention to deprive the applicants from selection.

5. It is further alleged that the private Respondents in OA Nos.269 and 271 of 2016 are Members of the political party B.J.P. All the exercise was done in order to favour the private respondents and to select them and the marks in oral interview were accordingly allotted so that the private respondents are shown selected on merits. Hence these original applications.

6. In all the original applications, the respondent no.3 filed similar affidavit in reply, which has been sworn by one Shri Ashok Nana Patil, Naib Tahsildar, Sub Divisional Officer, Faizpur, Tq. Yaval, Dist. Jalgaon. According to the respondents, the interview was conducted by the Committee comprising of Sub Divisional Magistrate, Faizpur, Sub Divisional Police Officer, Faizpur, Tahsildar Raver, Representative of District Social Welfare Officer, Jalgaon and Project Officer, Tribal Welfare Department Yawal, and the marks in the oral interview were given by these five Members collectively after considering the various criteria such as number of questions answered by the candidate, his personality, confidence, presence of sense, deepness of answers, capacity to handle

situation, knowledge of locality and due functions of the Police Patil etc.

7. Heard Shri SD Joshi, learned Advocate for the Applicants in all the matters, and S/Shri M.P. Gude, I.S.Thorat, D.R. Patil, Smt. Priya Bharaswadkar, & Smt. Deepali Deshpande Learned Presenting Officers for the Respondents no.1 to 3 in respective matters and Shri SG Bhalerao, learned Advocate for the Respondent no.4 in OA Nos.269 & 271 of 2016 and Shri S.B. Sant, learned Advocate for the Respondent no.4 in OA No.274/2016. I have also perused the application, affidavits and various documents placed on record in different matters.

8. The material points to be considered in all these original applications is "Whether the marks in oral interview were granted by the competent committee in order to deprive the applicants from selection or in order to favour the private respondents ?

9. There is no dispute that the oral interviews were taken by the competent authority. There is also no dispute about the marks obtained by the respective applicants in the written test.

10. From the facts averred in various original applications, it seems that the only grievance is that the private respondents were granted more marks in the oral interview so as to deprive the respective applicants. In order to note how many marks were obtained by each of the applicants and private respondents in written test and oral interview, the following chart of the marks obtained by them will help to consider each case.

| O.A. Nos. | Marks obtained by the applicants |             |              | Marks obtained by the respondent no.4 |             |              |
|-----------|----------------------------------|-------------|--------------|---------------------------------------|-------------|--------------|
|           | <u>Written</u>                   | <u>Oral</u> | <u>Total</u> | <u>Written</u>                        | <u>Oral</u> | <u>Total</u> |
| 269/2016  | 51                               | 10          | 61           | 49                                    | 13          | 62           |
| 270/2016  | 45                               | 09          | 54           | 40                                    | 15          | 55           |
| 271/2016  | 59                               | 10          | 69           | 56                                    | 16          | 72           |
| 272/2016  | 54                               | 09          | 63           | 48                                    | 16          | 64           |
| 273/2016  | 41                               | 10          | 51           | 38                                    | 15          | 53           |
| 274/2016  | 40                               | 12          | 52           | 39                                    | 14          | 53           |
| 275/2016  | 44                               | 08          | 52           | 37                                    | 16          | 53           |

11. From the aforesaid chart, it will be clear that, all the applicants have obtained more marks than the respective private

respondents in the written test, but more marks were given to the respective private respondents and from the total marks obtained by them it seems that the private respondents got one, two or three more marks than the respective applicants and therefore, the private respondents were selected.

12. In the original applications the respective applicants have stated that, they have reason to believe that the private respondents were given more marks in oral interview only in order to deprive the applicants from selection. However, except such vague allegation there is nothing on the record to show that, this was done by the respondent authority/initially. It is material to note that, the respondent authority has appointed a Committee, which includes various Members as already stated to take oral interview of the candidates and all these Members were public Officers. From the advertisement it seems that, as many as 99 posts of Police Patil were to be filled in and the written test and oral interview was held for various candidates out of which 99 are selected. It is highly improbable that various public Officers will act vindictively only against the present applicants. There is no specific allegation of malice against the Members of the Committee.

13. Vide order dated 6.9.2016 this Tribunal was pleased to observe in para nos.4 & 5 as under :-

“4. Learned Advocate for the applicant also pointed out that there was a selection committee comprising of 5 Members which include (1) Shri Kundan Hire, Member-Secretary & Tahsildar, Raver, (2) Shri Yogesh Chavan, Member & Sub Divisional Police Officer, Faijpur, Sub Division Faijpur, (3) Shri Ganesh Borse, Member, Assistant Commissioner, Social Welfare Division, Jalgaon, (4) Shri D.F. Tadvi, Member & Project Officer, Integrated Tribal Development Project, Yawal and (5) Dr. Arvind Aturlikar, President & Sub Divisional Magistrate, Faijpur Part, Faijpur. There were 5 members and marks provided for oral interview were 20 and each member had power to give marks to the candidates in oral interview. From the chart, however, it seems that the consolidated marks, such as 10, 13 etc. are given to the candidates in oral interview.

5. Respondents, are therefore, directed to file a short affidavit as regards procedure followed for granting marks in the oral interview, if any, and whether there are rules in this regard to grant marks in the oral interview till 27.09.2016.”

14. In view of the aforesaid direction, the respondent no.3 has filed short affidavit of one Manoj Ghode Patil, Sub Divisional Officer, Faizpur Division, Faizpur, Dist. Jalgaon. In para no.4 of his affidavit he stated as under :-

“4. I say and submit that as per the oral order of this Hon’ble Tribunal dated 6.9.2016, I am filing short affidavit in reply in response to oral order. I say and submit that written examination and oral interview for the post of Police Patil recruitment 2015 of Faizpur, Sub Divisional Officer Faizpur were conducted as per Govt. Resolution No.BVP0611/P.K.419/POL8 Mumbai 32 dated 23.9.2011. I say and submit that as per the Govt. Resolution, the committee was constituted consisting of Five Member such as Sub Divisional Magistrate, Faizpur, as President and other three Members i.e. Sub Divisional Police Officer, Muktainagar/Savda, Social Welfare Officer, Jalgaon, Tribal Development Project Officer and Tahsildar Yawal/Raver as a Committee Secretary. I humbly submit that as per Govt. Resolution dated 23.8.2011, the interview for 20 marks were conducted by the constituted Committee and accordingly candidates were interviewed based on General Knowledge, Local Area information and Current affairs Marks etc. In interview each candidates were granted the marks by the constituted Committee jointly after considering his overall performance in interview i.e. confidence, personality, attitude, presence of mind etc. A copy of aforesaid G.R. dated 23.8.2011 is annexed herewith and marked as EXIHIBIT “R-1.”

15. The learned Presenting Officers have invited my attention to one Circular issued by the Government of Maharashtra on 23.8.2011. The copy of which is at paper book page no.42 in OA No.259/2016. As per said Circular the Committee was formed for

taking oral interview. The learned P.O. thereafter placed reliance on the guidelines issued as regards oral and written test to be conducted for the filling posts of Police Patil issued by the Govt. of Maharashtra on 22.8.2014. The said G.R. is at paper book page nos.43 to 46 (both inclusive) in OA No.269/2016. Perusal of the said G.R. shows that, guidelines have been issued as to how the oral and written test shall be taken. The said G.R. nowhere states that, each committee Member of the oral interview shall grant his individual marks. It is also not specifically mentioned as to whether all the Committee Members granted marks after discussing amongst them.

16. The learned Advocate for the applicants submit that, there were five Committee Members and therefore, each Members should have granted marks in the oral interview out of four. The said argument can not be accepted for the simple reason that, there is no specific direction that, each of the Member shall grant individual marks to the candidates. In this case the Sub Divisional Officer Faizpur has filed affidavit. He was the Chairman of the selection Committee for oral interview and he has stated in his affidavit that, after interview of the candidate all the Members of the committee jointly decided to grant consolidated marks to each candidate out of



20 and accordingly they have granted marks. In the absence of allegation of personal malice against each member of the Committee it can not be said that, the Committee has committed any wrong or illegality in granting consolidated marks, after discussing performance of the candidate. As already stated the Committee interviewed number of candidates and they have granted consolidated marks in the oral interview. It can not be said that, the oral marks were granted with some malice or with only intention to favour the private respondents or to see that the applicants were placed at lower rank in the merit list.

17. The learned Presenting Officers have invited my attention to one judgment reported in the case of “NATIONAL INSTITUTE OF MENTAL HEALTH AND NEURO SCIENCES V. Dr. K. KALYANA RAMAN AND OTHERS reported in AIR 1992 SUPREME COURT 1806.” In the said case, it has been observed by the Hon’ble Apex Court that, the function of the Recruitment / Selection Committee is administrative and not judicial or adjudicatory and it is not required to give reasons for selecting candidates in absence of statutory requirement. It must however, observed procedural fairness. It is further observed that, when the Selection Committee consisting of experts holding high status, the Courts would be slow to interfere.”

18. As already stated in the present case, the Selection Committee consists of all public Members headed by Sub Divisional Officer and in the absence of any concrete evidence of mala fides or arbitrariness, the selection done by such Committee can not be doubted.

19. In view of the discussions in foregoing paragraphs I do not find any merits in any of the original applications and hence the order.

ORDER.

OA Nos.269, 270, 271, 272, 273, 274 & 275 all of 2016 stand dismissed with no order as to costs.

**MEMBER (J)**

atpoa269&oths.