

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 234/2015**

Shri Gautam Gopichandji Ramteke,  
Aged about 43 years, Ex-Serviceman,  
R/o Ambedkar Ward no.3,  
At PO: Thana ( Petrol Pump),  
Distt, Bhandara.

-----**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Principal Secretary,  
Water Resources Department,  
Room No.209/211, 2<sup>nd</sup> Floor,  
Main Mantralaya Building, Hutatma Rajguru  
Chowk, Madam Kam Marg,  
~~Deptt. Of Higher and Technical Education,~~  
Mantralaya, Mumbai.
2. Adhikshak Bhiyanta,  
Nagpur Patbhandhare Vibhag,  
Nagpur Patbhandhare Mandal,  
Sinchan Seva Bhavan,  
Civil Lines, Nagpur.
3. Sahayak Adhikshak Abhiyanta,  
Nagpur Patbhandhare Vibhag,  
Nagpur Patbhandhare Mandal,  
Sinchan Seva Bhavan,  
Civil Lines, Nagpur.
4. Shri Suresh Nivrutti Wankhede,  
Aged 39 yrs.

R/o At Po : Andhera,  
Tah. Deulgaon Raja,  
Distt. Buldhana.

----- **Respondents.**

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1. Shri S.C. Gupta, Advocate for the applicant.
  2. Shri A.M. Ghogare, Presenting Officer for the Respondent No. 1.
  3. Shri S.C. Deshmukh, Advocate for R/2 and 3.
  4. None for R/4.
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**CORAM :** B. Majumdar : Vice Chairman  
and

S.S. Hingne: Member ( J )

**DATE :** 14<sup>th</sup> January, 2016

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**ORDER**

**PER VICE-CHAIRMAN**

The applicant is aggrieved that he has not been selected for the post of Watchman ( Group-D ). Sometime in 2013, the Chief Engineer, Gosikhurd Irrigation Project and the Regional Selection Committee, Nagpur published an advertisement, vide which, *inter alia*, 55 posts of Peons were to be filled up. These included 1 from the category of SC ( Ex-Serviceman ). The applicant applied from that category . He scored 83 in the written test. Respondent no. 4, Sukesh

Nivrutti Wankhede , as per records produced before us , also applied from SC ( Ex-Serviceman ) and he scored 95. As per the select list dtd. 24/12/2014 published on the website of the Irrigation Department, R/4 is selected from the category of SC ( Ex-Serviceman ). The applicant has challenged the authenticity of this list.

2. The applicant submits that as per the list received by him under RTI from the Asstt. Superintending Engineer, Nagpur ( R/3 ) he is considered from the category of SC ( Ex-Serviceman ) and Respondent no. 4 from SC ( Open ). Hence Respondent no. 4 is wrongly selected in the impugned select list from the category of SC ( Ex-Serviceman ).

3. No reply has been filed by any of the respondents.

4. Shri S.C. Gupta, the Id. Counsel for the applicant relied on the two " selects lists" ( Annexure-A-3 and Annexure-A-12 ) and submitted that Respondent no. 4 belongs to the Open category and hence he could not have been selected

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from SC and the applicant, having scored highest among SC ( Ex-Serviceman ) candidates should have been selected.

5. Shri A.M. Ghogare, the Id, P.O. for the R/1 and Shri S.C. Deshmukh, the Id. Counsel for R/2 and R/3 vehemently opposed the O.A. by submitting that the applicant has not substantiated his averment that the Respondent no. 4 had applied from Open ( Ex-Serviceman ). Relying on the application form of R/4, they stated that he had applied as an SC ( Ex-Serviceman ). As he had scored 95 and the applicant has scored 83, he had been selected against the only post of SC ( Ex-Serviceman ).

6. We find that the applicant relies on the list at Annexured-A-3, which he has purportedly received from the Respondent no. 3 under RTI vide his letter dtd. 25/11/2014 ( Annxure-A-2 ). We find that the statement accompanying the letter shows that Respondent no. 4 is at Sr. No. 115 and while he belongs to SC, he is selected from Open ( Ex-Serviceman ). However, the above letter of Respondent No. 3

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also states that “ सरळ सेवा भरती २०१३ (गट-ड) माजी सैनिक उमेदवारांची निवड यादी तयार करण्याची प्रक्रिया सुरु आहे.” Hence the Respondent no. 3 <sup>not</sup> could have supplied the officially approved ~~and~~ final select list along with this letter. The applicant himself has stated that the final select list was published on the website on 24/12/2014. Thus, we cannot accept the list at Annexure-3 as one which represents the officially approved select list. The applicant also relies on the similar list at Annexure-12, which he had received from the Respondent no.3 under RTI vide his communication dtd. 5/2/2015. In this list Respondent no. 4 is shown at Sr. No. 115. It also shows that he belongs to SC and selected from the category of Ex-Serviceman. It does not state as to which vertical ( Social ) category to which R/4 belongs. Hence we doubt the correctness of this list also.

7. To verify if Respondent No. 4 had applied from the category of SC , as per our direction the Id. Counsel for R/ 2 and 3 had produced before us a copy of his application form. On perusal of this form, we find that he had applied from the category of SC as Ex-Serviceman. Hence, from

the documents produced by the applicant and the averments made by him, we find that he has not substantiated his allegation that Respondent no. 4 had applied from the category of Open ( Ex-Serviceman ) and not SC ( Ex-Serviceman ). The application form of Respondent No. 4 clearly shows that he had applied as SC ( Ex-Serviceman ). Based on these considerations we find no grounds to doubt the authenticity of the impugned select list dtd. 24/12/2014. It is not disputed that the R/4 had scored 95 whereas the applicant had scored 83. Hence, R/4 has been rightly selected from the category of SC ( Ex-Serviceman). The O.A. being devoid of any merit stands rejected with no order as to costs.

Sd/-

( S.S. Hingne )  
Member ( J )

Sd/-

( B. Majumdar )  
Vice-Chairman.

Skt.