

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 302 OF 2024
(Subject – Police Patil)**

DISTRICT : PARBHANI

Sow. Seema W/o. Venkatesh Jadhav,)
Age : 26 years, Occu. : Nil)
R/o : Khanapur @ Zhari, Tq. & Dist. Parbhani.)

.... **APPLICANT**

V E R S U S

1. The State of Maharashtra,)
Through its Secretary,)
Home Department, Mantralaya,)
Mumbai-400 032.)

2. The Collector, Collector Office,)
Parbhani.)

3. The Sub-Divisional Officer,)
Parbhani, Tq. & District Parbhani.)

4. Kanchan D/o Devrao Jadhav,)
@ Kanchan W/o Sachin More,)
Age : 30 years, Occu. : Nil,)
R/o Vrundawan, Nandanwan Colony,)
Parbhani.)

... **RESPONDENTS**

APPEARANCE : Shri S.P. Koli, Counsel for the Applicant.

: Smt. Resha Deshmukh, Presenting Officer for
respondent authorities.

: Shri V.P. Kadam, counsel for respondent
No. 4.

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 07.10.2024

ORDER

1. Heard Shri S.P. Koli, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for respondent authorities and Shri V.P. Kadam, learned counsel for respondent No. 4.

2. The present Original Application is disposed of finally with the consent of all the parties at the admission stage.

3. By filing the present Original Application, the applicant is seeking quashment of selection and appointment of respondent No. 4 for the post of Police Patil of village Khanapur @ Zhari, Tq. and Dist. Parbhani and also seeking directions to respondent No. 3 to select the name of applicant for the post of Police Patil of village Khanapur @ Zhari and to give appointment order for the post of Police Patil of village Khanapur @ Zhari, Tq. and Dist. Parbhani in accordance with law.

4. Brief facts as stated by the applicant giving rise to the Original Application are as follows :-

- (i) In response to the advertisement dated 12.01.2024 published by respondent No. 3 for the recruitment of near about 51 posts of Police Patil in 51 villages of Parbhani Taluka, District Parbhani, the applicant has submitted

online application on 16.01.2024 for the post of Police Patil of village Khanapur @ Zhari, Tq. and Dist. Parbhani. In due course, the applicant has appeared for written examination scheduled on 28.01.2024 along with other candidates including respondent No. 4 and after written examination, the respondent No. 3 has issued interview letters to four candidates on 30.01.2024 including the applicant and respondent No. 4.

(ii) The applicant further contends that in terms of the advertisement issued by respondent No. 3, the candidate for filing online application for the post of Police Patil must be a permanent resident of that village. The respondent No. 4 got married on 02.05.2018 with one Sachin Dinkarrao More and started cohabiting with him from the date of marriage. The respondent No. 4 has suppressed the information about the same and used her maiden name for filing online application and also submitted Aadhar Card and Domicile Certificate of pre-marriage status. In fact, respondent No. 4, her husband and in-laws residing in Parbahnai and she is also blessed with one son viz. Atharva. In the birth certificate of son of respondent No. 4,

the permanent address is shown as Vrundawan, Nandanwan Colony, Parbhani.

(iii) The applicant has raised an objection against respondent No. 4 and also one Nanavare Dwarka Ganeshrao, as they are not permanent resident of village Khanapur @ Zhari, Tq. and Dist. Parbhani.

(iv) By order dated 06.03.2024, the respondent No. 3 has rejected the objection raised by the applicant and declared respondent No. 4 as eligible to be appointed for the post of Police Patil of village Khanapur @ Zhari, Tq. and Dist. Parbhani. By the same order, the respondent No. 3 has also declared that said Smt. Dwarka Ganeshrao Nanavare is not eligible to be appointed as Police Patil of said village. Hence, the present Original Application.

5. Learned counsel for the applicant submits that after oral interview, the respondent No. 3 has selected respondent No. 4 as Police Patil of village Khanapur @ Zhari and the present applicant is selected for waiting list. Learned counsel submits that respondent No. 4 has suppressed the material facts. Considering respondent No. 4's marital status and residence, she is not entitled to be appointed for the post of Police Patil of village

Khanapur @ Zhari, Tq. and Dist. Parbhani. Learned counsel submits that in terms of the conditions prescribed in the advertisement, the candidate applying for the post of Police Patil must be a local and permanent resident of a particular village, for which he/she has applied to be appointed for the post of Police Patil. Learned counsel submits that in terms of clause No. 16 of the advertisement, the candidate has to submit declaration in the prescribed format pertaining to Small Family in terms of the provisions of Maharashtra Civil Services (Declaration of Small Family) Rules, 2005. However, respondent No. 4 in the said Small Family declaration format has kept column indicating marital status so also residence of her husband, if married, as blank. Learned counsel submits that in view of the same, the impugned order selecting and appointing respondent No. 4 as Police Patil of Village Khanapur @ Zhari is liable to be quashed and set aside. Learned counsel submits that applicant is the only candidate in the waiting list and in view of the same, she is entitled to be appointed on the post of Police Patil of village Khanapur @ Zhari, Tq. and Dist. Parbhani.

6. Learned Presenting Officer on the basis of affidavit in reply filed on behalf of respondent No. 3 submits that respondent No. 4 has submitted copy of voters list of Khanapur through Zari,

Aadhar Card, Election ID card, Ration Card and residence certificate issued by the Tahsidlar, Parbhani to show the residence Khanapur through Zari, Tq. and Dist. Parbhani. These certificates were issued pursuant to Government Rules, Regulations, Government Resolution and Circulars. It is mentioned in all these documents that respondent No. 4 is the resident of village Khanapur @ Zari, Tq. and Dist. Parbhani. On the other hand, the applicant has not submitted any other documents to show that respondent No. 4 is not resident of village Khanapur @ Zhari and that earlier certificates issued in her favour are cancelled by the competent authority. Learned P.O. submits that there is no substance in the present Original Application and the same is liable to be dismissed.

7. Shri V.P. Kadam, learned counsel appearing for respondent No. 4 has made oral submissions and filed written notes of arguments. Learned counsel for respondent No. 4 submits that the applicant has failed to produce any document to show that the respondent No. 4 is not the resident of village Khanapur. Learned counsel submits that birth certificate of the child is not the document or proof of residence. Learned counsel submits that respondent No. 4 has produced Election Card, Domicile Certificate, Rahivasi Certificate and Police Clearance

Certificate, which indicate that respondent No. 4 is resident of village Khanapur and all these documents are procured before the advertisement. Learned counsel submits that respondent No. 4 is having documents in her father's name, but there is no bar as such to obtain documents in the name of father. The respondent No. 4 is permanent resident at her father's house. Learned counsel submits that the respondent authorities after following due procedure of law appointed respondent No. 4 as Police Patil of village Khanapur @ Zhari, Tq. and Dist. Parbhani. Learned counsel thus submits that there is no substance in the present Original Application and the same is liable to be dismissed.

8. After having carefully gone through the advertisement dated 12.01.2024 calling upon the applications for filling up the posts of Police Patil-2024 in Sub-Division Parbhani issued by respondent No. 3, it is clear from condition No. 3 under the head of minimum requirement for applying the post of Police Patil that the candidate should be a local and permanent resident of a particular village and the same is supported by the Domicile Certificate issued by the Tahsildar or Talathi. In terms of clause No. 16 of advertisement under the head of Selection Procedure terms and conditions, as per the Government Circulars dated

28.03.2005 and 01.07.2005, so also as per the Provisions of Maharashtra Civil Services (Declaration of Small Family), Rules 2005, the candidate supposed to file declaration in the prescribed format about the Small Family and number of children born on 28.03.2005 and thereafter and the same is also required to be submitted by unmarried candidates.

9. In the instant case, apparently there is a suppression of material fact. Undisputedly, the respondent No. 4 got married on 02.05.2018 with one Sachin Dinkarrao More of village Bramhangaon, Tq. and Dist. Parbhani and she has got four years male child out of the marital wedlock. Her father-in-law was serving in Vasantrya Naik Marathwada Krushi Vidyapith, Parbhani and after retirement started residing in his own house at Gajanan Nagar, Vrundavan Colony, Parbhani. Further the husband of respondent No. 4 is serving in one private transport company at Parbhani. Their names are also mentioned in the voters list of Corporation in the year 2024. It further appears that respondent No. 4 has obtained requisite documents including Domicile certificate in her maiden name. Even in the prescribed declaration format under the provision of Maharashtra Civil Services (Declaration of Small Family) Rules, 2005 marital status is necessary to be disclosed, so also total number of living

children. Even as per the condition No. 16 of the advertisement under the head of Selection Procedure terms and conditions, the candidate has to submit such declaration in the format. Pertinently the respondent No. 4 has kept the said column of prescribed declaration blank. Consequently, the respondent No. 3 has given weightage to the documents submitted by respondent No. 4 obtained by using the maiden name (particularly father's name) and ignored the marital status of respondent No. 4, though specifically pleaded by the applicant.

10. In a case of **Chief Manager, Punjab National Bank and another Vs. Anit Kumar Das, (2021) 12 Supreme Court Cases 80**, relied upon by learned counsel for the applicant in para Nos. 15 to 19 the Hon'ble Apex Court has observed that an employee is expected to give a correct information as to his qualification. As held by this Court in the case of **Ram Ratan Yadav i.e. Kendriya Vidyalaya Sangathan v. Ram Ratan Yadav, (2003) 3 SCC 437**, suppression of material information and making a false statement has a clear bearing on the character and antecedents of the employee in relation to his continuance in service. In para No. 19 the Hon'ble Supreme Court has made the observations in this regard as below :-

“19. An employee is expected to give a correct information as to his qualification. The original writ petitioner failed to do so. He was in fact overqualified and therefore ineligible to apply for the job. In fact, by such conduct on the part of the respondent – original writ petitioner, one another righteous candidate has suffered for his mischievous act. As held by this Court in the case of Ram Ratan Yadav (supra), suppression of material information and making a false statement has a clear bearing on the character and antecedents of the employee in relation to his continuance in service. A candidate having suppressed the material information and/or giving false information cannot claim right to continuance in service. Thus, on the ground of suppression of material information and the facts and as the respondent – original writ petitioner even otherwise was not eligible as per the eligibility criteria/educational qualification mentioned in the advertisement which was as per Circular letter No. 25 of 2008 dated 06.11.2008, the bank rightly cancelled his candidature and rightly did not permit him to resume his duty.”

Thus the aforesaid ratio laid down by the Hon'ble Apex Court is squarely applicable to the case of the applicant. The respondent No. 4 has not only committed suppression of facts but she has also falsely shown her residence of village Khanapur @ Zhari instead of showing residence at her matrimonial home Parbhani. Thus the selection and appointment of respondent No. 4 for the post of Police Patil of village Khanapur @ Zhari, Tq. and Dist. Parbhani is liable to be quashed and set aside. Applicant is the only candidate in the select list. Therefore, there is no hurdle as such to appoint the applicant for the post of Police Patil of village Khanapur @ Zhari, Tq. and Dist. Prabhani. Hence, the following order :-

ORDER

- (i) The Original Application is hereby allowed.
- (ii) The impugned order dated 06.03.2024 passed by respondent No. 3 is hereby quashed and set aside and selection and appointment of respondent No. 4 for the post of Police Patil of village Khanapur @Zhari, Tq. and Dist. Prabhani is also quashed and set aside.
- (iii) The respondent No. 3 is hereby directed to select the applicant for the post of Police Patil of village Khanapur @Zhari, Tq. and Dist. Prabhani and issue appointment order to the applicant in accordance with law forthwith.
- (iv) In the circumstance, there shall be no order as to costs.
- (v) The Original Application is accordingly disposed of.

PLACE : Aurangabad.
DATE : 07.10.2024

(Justice V.K. Jadhav)
Member (J)