

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

**ORIGINAL APPLICATION NO. 676 OF 2024**

**DISTRICT : NANDED**

**Madhav S/o Amrat Gawale,** )  
Age : 34 years, Occu. : Nil, )  
R/at Aurala, Post Sawleshwar, )  
Taluka Kandhar and District Nanded. )

.... **APPLICANT**

**V E R S U S**

01. **The State of Maharashtra,** )  
Through the Secretary, )  
Home Department, )  
Mantralaya, Mumbai -32. )

02. **The Sub-Divisional Officer,** )  
Office: Kandhar, Tq. Kandhar, Dist. Nanded.)

03. **Prashant S/o Kashinath Gawale,** )  
Age : Major, Occu. : Nil, )  
R/at Post: Aurala, Tq. Kandahar and )  
District Nanded. )

04. **Raju S/o Namdeo Parde,** )  
Age : Major, Occu. : Nil, )  
R/at Post: Aurala, Tq. Kandahar and )  
District Nanded. )

... **RESPONDENTS**

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**APPEARANCE** : Shri G.R. Bhumkar, counsel holding for  
Shri R.P. Bhumkar, counsel for applicant.

: Shri D.M. Hange, Presenting Officer for  
respondent authorities.

: Shri R.A. Joshi, counsel for respondent  
No. 4.

: None present for respondent No. 3.  
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**CORAM** : **Shri A.N. Karmarkar, Member (J)**  
**RESERVED ON** : **05.02.2025**  
**PRONOUNCED ON** : **11.02.2025**  
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**ORDER**

1. By filing the present Original Application, applicant-Madhav is seeking relief for quashing and setting aside orders dated 24.06.2024 outward Nos. 3478 and 3479 issued by respondent No. 2 and also seeking direction to respondent No. 2 to issue appointment to the applicant on the post of Police Patil of village Aurala, Tq. Kandhar, Dist. Nanded.

2. In response to the advertisement dated 01.01.2024, the applicant has applied for the post of Police Patil of village Aurala. The applicant has participated in written, as well as, oral test. The applicant got 77 marks. He was selected to the post of Police Patil of village Aurala, Tq. Kandhar, Dist. Nanded.

The applicant is permanent resident of village Aurala, Tq. Kandhar, Dist. Nanded. He is having Nationality and Domicile certificate, bank passbook, Character certificate issued by the Gram Panchayat, character certificate issued by the Superintendent of Police, Nanded, Ration card and voter identity

card, which shows that he is resident of village Aurala, Tq. Kandhar. The applicant is having landed property Gut No. 127/2/B at village Aurala and his parents are residing there. In the ration card of father of applicant, name of the applicant is also appearing.

Respondent No. 3 has filed objection dated 24.01.2024 before respondent No. 2 that the applicant is not resident of village Aurala and residing at Waghala Municipal Corporation. It is also alleged that the applicant has taken benefit under the scheme for S.C. category persons under Navbodha Gharkul Yojana and even the name of applicant is appearing in the voters list of that place. Similar type of objection is raised by respondent No. 4. The respondent No. 2 has issued letter to the applicant seeking explanation in respect of objections raised by respondent Nos. 3 and 4. The applicant has filed his written reply along with above referred documents and some additional documents such as electricity bill, driving license, residence certificate from Police Patil, Grampanchayat residence certificate, Tahsildar residence Certificate, caste certificate, bank passbook, etc. The applicant has also produced document pertaining to removal of his name from voters list of Nanded city. The respondent No. 2 has issued orders under

outward Nos. 3478 & 3479 dated 24.06.2024 and cancelled the selection of applicant to the post of Police Patil of village Aurala, Tq. Kandhar, Dist. Nanded.

3. Respondent No. 2 has filed affidavit in reply. According to him, five candidates including the applicant were selected for oral examination on the basis of their performance in written examination. In this regard a list was published on 15.01.2024. Subsequently, the applicant was selected to the post of Police patil of village Aurala, Tq. Kandhar, Dist. Nanded and respondent No. 3-Prashant was on wait list. The respondent No. 2 has received objection from respondent No. 3 (Prashant Kashinath Gawale) and respondent No. 4 (Raju Namdeo Parde). They have informed that the applicant is residing at Rahul Nagar, Waghala, Cidco, Dist. Nanded and his name is enrolled in the voters list of South Nanded State Legislative Assembly Constituency, Nanded. Secondly, the applicant has availed the benefit of Gharkul scheme showing himself as a resident of Rahul Nagar, Waghala, Cidco, Dist. Nanded. An opportunity of hearing was given to the applicant and respondent Nos. 3 & 4. The applicant has submitted during the enquiry that his place of birth is village Aurala and ancestral property is also situated there. He has filed different documents. The applicant has also

submitted that he was shifted to Lahuji Nagar, Waghala, Dist. Nanded for the sake of livelihood, where he has purchased a plot and buildup house on it under the Ramai Awas Yojna. After hearing both the sides, the respondent No. 2-SDO found that the applicant is resident of Nanded Waghala Municipal Corporation and he has been taken benefit under Ramai Awas Yojana. He is residing within the jurisdiction of Nanded Waghala Municipal Corporation. So SDO, Kandhar allowed the objection of respondent Nos. 3 & 4 and cancelled the selection of application to the post of Police Patil of village Aurala. Learned P.O. thus submits that the present Original Application deserves to be dismissed.

4. Respondent No. 4 has filed affidavit in reply. According to this respondent, as per clause No. 3 of the advertisement one of the condition was that the candidate applying for the post of Police Patil shall be local and permanent resident of concerned village. This respondent has specifically filed objection that the applicant is residing at Rahul Nagar, Waghala, MSEB Colony, CIDCO, Nanded since last 10-15 years. His name was included in the voters list of Nanded South Constituency of Maharashtra Legislative Assembly. The applicant has availed the benefits under Ramai Awas Gharkool

Yojana by showing himself to be resident of Rahul Nagar Waghala. So this respondent is entitled to the post of Police Patil.

5. None present for respondent No. 3, though duly served as per the postal receipt submitted by the applicant along with service affidavit.

6. I have heard Shri G.R. Bhumkar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri R.A. Joshi, learned counsel for respondent No. 4.

7. It is undisputed fact that the applicant was selected to the post of Police Patil of village Aurala, Tq. Kandhar, Dist. Nanded after participation in written and oral examinations. The respondent No. 2 has contended that five candidates including the applicant were selected for oral test. The list of shortlisted candidates for oral examination was published on 15.01.2024. Subsequently, list of selected candidates was published on 20.01.2024. The applicant was selected to the post of Police Patil of village Aurala and respondent No. 3 i.e. Prashant Kashinath Gawale was wait listed candidate. It is also undisputed fact that respondent Nos. 3 and 4 have filed objection in writing before respondent No. 2 with the contention that applicant is not

residing at Aurala and he is residing within the jurisdiction of Nanded Waghala Municipal Corporation. It is also contended that the applicant has taken benefit under Ramai Gharkul Scheme. The name of applicant is also recorded in the voters list of South State Legislative Assembly Constituency, Nanded. It is also undisputed fact that the applicant has filed his explanation before respondent No. 2-SDO, Kandhar in response to the notice on the objection raised by respondent Nos. 3 and 4.

8. In order to decide the matter effectively, it is necessary to reproduced necessary condition regarding eligibility for the post of Police Patil as shown in the advertisement :-

**“पोलीस पाटील पदासाठी किमान आवश्यक अर्हता :-**

१) .....

२) .....

३) अर्जदार हा संबंधीत गावचा स्थानिक व कायम रहिवाशी असावा. (तहसिलदार किंवा तलाठी यांचे रहिवासाबाबतचे प्रमाणपत्र)”

9. After receiving objection from respondent Nos. 3 and 4, learned S.D.O. Kandhar has given opportunity of hearing to the applicant. The applicant has placed on record copy of written objections of respondent Nos. 3 and 4 (Annexure A-6 and Annexure A-7, page Nos. 59 and 63 of paper book). It is contended in the objection that the applicant is residing at

Nanded Waghala Municipal Corporation since last 10 years along with his family members and his name is also record in the voters list of South State Legislative Assembly Constituency, Nanded Waghala in Ward No. 220 at Sr. No. 421. Another contention in the objection is that the applicant has purchased a plot at Lahuji Nagar, Waghala, where he obtained grant from Government under Ramai Awas scheme for construction of house.

The applicant has contended in his explanation that he is originally from village Aurala, where his immovable property is situated. His ration card, voter identity card, driving license and domicile certificate are on the address of village Aurala. Since his house was at Lahujinagar, Waghala Nanded, his name was included in the voters list of said constituency. He has also contended in his explanation that he shifted to Nanded for his livelihood and has taken plot at Lahujinagar Waghala. He has also contended that he has obtained grant from the Government for construction of house under Ramai Awas Scheme. The respondent No. 2-SDO has decided the objection after hearing parties and after going through the documents that the name of the applicant is appearing in the ration card on the address of Cidco-2, Tq. and Dist. Nanded and he has obtained grant under

the Gharkup Scheme thorough Nanded Waghala Municipal Corporation. The respondent No. 2 has come to the conclusion that the applicant is resident of Nanded Municipal Corporation area. So he has allowed the objection of respondent Nos. 3 and 4 and selection of the applicant was cancelled.

10. The applicant has paced on record a copy of driving license, which was issued in the year 2018. He has also filed a copy of ration card, in which his age is shown as 22 years. In the application form, the applicant has shown his age as 34 years. So this ration card must have been prepared long back before issuance of advertisement. The applicant has mentioned in the application form that he is married, but name of his wife is not appearing in the ration card (page No. 37 of paper book). Copies of domicile certificates of the applicant are of the year 2007 and 2009 respectively. So above referred documents are not sufficient to hold that the applicant is local and permanent resident of village Aurala. Copies of caste certificates are also of the year 2003 and 2007 respectively. These certificates are also not of much help to the applicant. The applicant has also filed school leaving certificate of the year 2007 and copy of admission register of the year 2018. It can be said on the basis of these documents that the applicant has taken education at village

Aurala. Merely because the name of the applicant is appearing in the voters list of village Aurala and immovable property in the name of his father is standing at village Aurala, one cannot jump to the conclusion that the applicant is local and permanent resident of village Aurala.

11. Learned counsel for respondent No. 4 has also submitted that while giving his explanation before SDO, Kandhar, he has made available several documents, but this applicant has not produced the said documents, which were produced before S.D.O. It appears from explanation of the applicant (page Nos. 61 and 62) that copy of application form deleting his from voters list of Nanded Legislative Constituency was also attached. So this clearly shows that name of the applicant was also in the voters list of Nanded Legislative Assembly Constituency.

12. Learned counsel for the applicant has submitted that for getting benefit under Ramai Awas Scheme, one of the necessary conditions is that the beneficiary should have resident for 15 years in Maharashtra State.

It is clear from the explanation of the applicant to the objections before SDO that for the purpose of livelihood he was

shifted to Nanded and he has purchased a plot in the area of Lahuji Nagar Waghala Nanded. Secondly he has admitted that he had got grant from the Government under Ramai Awas Scheme for construction of house.

13. On the other hand, learned counsel for respondent No. 4 has submitted that he has placed on record a copy of voters list of Rahul Nagar Waghala, where the name of applicant is included. He has placed on record Aadhar card and ration card of the applicant on the address of Lahuji Nagar Cidco Nanded. It is pertinent to note here that the applicant has avoided to place on record a copy of Aadhar card before the SDO Kandhar or in this petition for the reasons best known to him and that document could have been material piece of evidence showing place of residence.

It is contended in the affidavit in reply of respondent No. 4 that copy of objection filed by him along with supporting document is enclosed as Annexure R-2. So the Aadhar card of the applicant shows that he is residing at Lahujinagar, Waghala Nanded Cidco. On minute perusal of these documents, it can be gathered that the said Aadhar card was generated on 09.01.2019 i.e. much before date of issuance of advertisement. Even copy of

ration card of the applicant of Lahujigar Cidco Nanded also creates doubt about the contention of the applicant that he is local and permanent resident of village Aurala.

14. The applicant has also placed on record a copy of character certificate issued by the Dy. Sarpanch of village Aurala dated 24.09.2011. As against this, respondent No. 4 has placed on record a copy of letter issued by the Sarpanch of village Aurala to Sub Divisional Officer, dated 24.01.2024. On perusal of the same, it appears that the applicant is shifted to Rahul Nagar Waghala Cidco, New Nanded before 10 years and his name is also entered in the voters list of concerned constituency. It is specifically mentioned in the said letter of Sarpanch that since last 10 years the applicant is not residing at village Aurala.

15. Learned counsel for respondent No. 4 has invited my attention to clause No. 3 under the head of eligibility for the post of Police Patil in proclamation / advertisement dated 01.01.2024. It is mentioned that the certificate of Tahsildar or Talathi is necessary to show that the candidate is local and permanent resident of concerned village. It is already discussed that the domicile certificates issued either by Tahsildar or Additional District Magistrate are of the year 2007 and 2009. So on the

basis of material on record, it is difficult to accept that the applicant is local and permanent resident of village Aurala.

16. Learned counsel for the applicant has submitted that he has placed on record a copy of decision of Hon'ble High Court of Bombay, Bench at Aurangabad in a case of **Pandurang S/o Uttam Rathod Vs. The State of Maharashtra and Ors. in W.P. No. 12486/2024**, in which the order passed by this Tribunal in **O.A. No. 299/2024 (Ramesh Mansing Ade Vs. State of Maharashtra and Ors.) dated 11.11.2024** was challenged. The Hon'ble High Court has confirmed the order passed by this Tribunal in O.A. No. 299/2024. It is submitted that he could not download the copy of order in O.A. No. 299/2024 due to technical defect.

I have gone through the order passed by this Tribunal in O.A. No. 299/2024 (Ramesh Mansing Ade Vs. State of Maharashtra and Ors.) In that matter the facts appear to be different. In that case, the SDO has called report from Tahsildar after enquiry as to whether the applicant therein was the local and permanent resident of village Maldari, Tq. Bhokar. So that matter was decided on one of the basis of enquiry report of Tahsildar. Secondly, it is also discussed in the said matter that the applicant therein had been to Telangana State for livelihood

at the residence of his sister for some period. It is also discussed that subsequently the applicant therein returned to his native place, where he resides permanently. So this judgment in O.A. No. 299/2024 is not helpful to the applicant in this case.

17. For the reasons stated above, I am of the opinion that there is no need to interfere in the impugned orders of Sub-Divisional Officer, Kandhar. Thus the present Original Application deserves to be dismissed. Hence, the following order:-

**ORDER**

The Original Application stands dismissed. There shall be no order as to costs.

**(A.N. Karmarkar)**  
**Member (J)**

**PLACE : Aurangabad**  
**DATE : 11.02.2025**