

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

**ORIGINAL APPLICATION NO. 98 OF 2020  
(Subject – Police Patil)**

**DISTRICT : JALGAON**

**Bhavana Rahul Patil,** )  
Age : 31 years, Occu. : Nil )  
R/o : Adgaon, Tal, Parola, Dist. Jalgaon. ).... **APPLICANT**

**V E R S U S**

1. **The Sub-Divisional Officer,** )  
Erandol Division, Erandol, Girna Colony,) )  
Mhasavad Rd. Erandol, Dist. Jalgaon. )
2. **Sheetal Manohar More,** )  
Age : 29 years, Occu. Service, Police Patil,) )  
Adgaon, Tq. Parola, Dist. Jalgaon. )... **RESPONDENTS**

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**APPEARANCE** : Shri Avinash Deshmukh, Counsel for  
Applicant.

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

: Shri Manish Bhambre, counsel for respondent  
No. 2.

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

**RESERVED ON : 11.06.2024**

**PRONOUNCED ON : 02.09.2024**  
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**O R D E R**

1. Heard Shri Avinash Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for respondent authorities and Shri Manish Bhambre, learned counsel for respondent No. 2.

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

3. By filing the present Original Application, the applicant is seeking quashing and setting aside the impugned order dated 13.12.2019 (Annexure A-8) issued by respondent No.1, thereby cancelling her appointment as Police Patil of village Adgaon in Parola Taluka of Jalgaon district and instated appointing respondent No. 2 in her place. The applicant is also seeking directions to respondent No. 1 to reinstate the applicant as Police Patil of village Adgaon in Parola Taluka of Jalgaon District and to extend all the consequential service benefits to which the applicant is entitled.

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

(i) The applicant has acquired qualifications of M.A. D.Ed. She is the permanent resident of village Adgaon in Parola Taluka of Jalgaon District since her marriage with Mr. Rahul Rajendra Patil in January 2013. The applicant has submitted various documents at Annexure A-1 collectively to support the same. The applicant further contends that on 04.05.2018, the respondent No. 1 has

issued proclamation calling for applications for number of posts of Police Patil of various villages in Parola Taluka. The post of Police Patil of village Adgaon, which was also advertised by respondent No. 1 was reserved for candidates from Open-Female category. Thus in response to aforesaid proclamation, the applicant had duly submitted her application form for the post of Police Patil of village Adgaon (Annexure A-3). In due course of time, respondent No. 1 conducted the requisite selection process and thereupon published final select list, in which one Seema Amrutrao Patil was selected for being appointed as Police Patil of village Adgaon and name of the applicant was included in the wait list prepared by respondent No. 1 (Annexure A-4).

(ii) It is the further case of the applicant that above mentioned Seema Amrutrao Patil, though appointed as Police Patil on 27.08.2018, she had resigned from the post on the same day. Therefore, on 29.08.2018 respondent No. 1 was pleased to issue an order of appointment to the applicant, as she being the next in line, as Police Patil of village Adgaon for the period of 5 years from 16.03.2018 to 15.08.2023 (Annexure A-5).

(iii) The applicant further contends that in the aforesaid backdrop, on 12.09.2018 the respondent No. 2 had apparently approached this Tribunal by filing Original Application No. 709/2018 inter-alia praying for quashment of appointment order dated 29.08.2018 issued in applicant's favour by respondent No. 1. Pertinently, main ground upon which respondent No. 2 had challenged applicant's appointment as Police Patil was that the applicant was not a resident of village Adgaon and hence ineligible to be appointed as Police Patil of that village in view of the terms and conditions to that effect in the proclamation.

(iv) It is contended by respondent No. 2 in the said Original Application that her objection was disposed of by respondent No. 1 on 10.09.2018 by saying that the applicant was already given appointment as Police Patil on 29.08.2018. Therefore, the respondent No. 2 has approached this Tribunal by filing the aforesaid Original Application No. 709/2018.

(v) By order dated 31.07.201 this Tribunal has quashed and set aside said communication / order dated

10.09.2018 passed by respondent No. 1 and the matter was relegated back to respondent No. 1 for making proper enquiry in regard to the application dated 30.08.2018 filed by respondent No. 2 by giving proper opportunity of hearing to both the parties and deciding the issue on merits within three months (Annexure A-7).

(vi) It is the further case of the applicant that in terms of the aforesaid order passed by this Tribunal in O.A. No. 709/2018, the respondent No. 1 had conducted an enquiry to decide as to whether the applicant was a permanent resident of village Adgaon or not. In that enquiry, the applicant was admittedly given opportunity to put up her say and in response to the same, the applicant has submitted various documents before respondent No. 1 supporting and establishing her claim that she was a permanent resident of village Adgaon post her marriage with Mr. Rahul Rajendra Patil in January 2013. By impugned order dated 13.12.2019, the respondent No. 1 was pleased to issue an order cancelling the applicant's appointment as Police Patil of village Adgaon and instead appointed respondent No. 2 on the said post by reaching a conclusion that the applicant was not a resident of village

Adgaon and hence, was not eligible to be appointed as Police Patil of the said village (Annexure A-8). Hence, the present Original Application.

5. Learned counsel for the applicant submits that respondent No. 1 has reached about the conclusion that the applicant was not being a resident of village Adgaon on the basis of totally irrelevant considerations and documents and merely on the basis of surmises and conjectures. The respondent No. 1 in the entire order dated 13.12.2019 has not uttered a single word about various authentic documents viz. Aadhar Card, Election Card, Certificate of Register of Marriage, Resident Certificates, etc. produced by the applicant, which conclusively established the fact that she is a resident of village Adgaon. On the other hand, the respondent No. 1 has referred to and relied upon such documents like the certificate issue by Booth Level Officer (BLO), Voters List and Ration Card, which by no means conclusively authoritatively and/or authentically prove the place of residence of any person. In fact, Annexure A-9 is the copy of said communication dated 03.09.2019 of the BLO i.e. Booth Level Officer. Learned counsel submits that bare reading of it shows that the BLO has categorically stated that it was not within the power & authority of his office to decide as to who was the

resident of which village. Learned counsel submit that in the said communication, the BLO also specifically stated that as far as the villages of Adgaon and Gadgaon were concerned, they formed one common Group Gram Panchayat and the Voters List for Erandol Legislative Constituency No. 16 contains the names of residents of villages Adgaon and Gadgaon both. Thus on the basis of said communication of BLO, it is quite explicit that any certificate issued by the BLO (like the one dated 10.04.2018 relied upon by respondent No. 1 in the order dated 13.12.2019) could never be used as a conclusive proof for deciding any person's place of residence. Learned counsel submits that similarly Voters List cannot and does not at all prove the place of residence of any person, more particularly in cases like that of the applicant wherein a Group Gram Panchayat comprising of more than one village is involved and the names of residents of those villages are included in a particular Voters List for one and the same Assembly Constituency. Therefore, the conclusion drawn by respondent No. 1 regarding applicant's place of residence by relying upon the Voters List is absolutely wrong & incorrect.

6. Learned counsel for the applicant submits that the action of respondent No. 1 of referring to and relying upon a

Ration Card for reaching a conclusion regarding her place of residence is also contrary to and in violation of directives issued by none else than the Government of Maharashtra vide a Circular dated 05.06.2010, by which it was specifically ordered that a Ration Card was not to be accepted as a conclusive proof regarding the residence of a person and if at all that was to be done, then it was mandatory to obtain permission from the Chief Secretary of the Government of Maharashtra (Annexure A-10).

7. Learned counsel for the applicant submits that by bare reading of the order dated 13.12.2019, it is clear that there was absolutely nothing authentic before the respondent No. 1 for reaching the conclusion that the applicant was not the resident of Village Adgaon. It appears that the respondent No. 1 simply went by whatever contentions raised by respondent No. 2 and accepted the submissions as gospel truth by discarding most authentic, concrete and conclusive documents produced by the applicant in support of her claim.

8. Learned counsel for the applicant submits that impugned order dated 13.12.2019 is against the basic principles of justice, enquiry and good conscience. The impugned order passed by respondent No. 1 cancelling applicant's appointment



as Police Patil and appointing respondent No. 2 in her place is most illegal, arbitrary, high handed, irrational and illogical and as a result thereof total non-application of mind. The order impugned is wholly unsustainable and untenable. In view of above, the present Original Application deserves to be allowed in terms of the prayers made therein.

9. Learned counsel for the applicant in order to substantiate his contentions placed his reliance on in a case of **Gujarat State Deputy Executive Engineers Association Vs. State of Gujrat, reported in 1994 DGLS (SC) 500.**

10. Learned Presenting Officer on the basis of affidavit in reply filed on behalf of respondent No. 1 submits that applicant is not the permanent resident of village Adgaon, as the documents are prepared and collected by the applicant subsequently. Learned P.O. submits that the impugned order dated 13.12.2019 is self-explanatory and speaking one. There is no illegality or irregularity as well as error committed by respondent No. 1. The said order is passed by following due procedure of law and considering the various factual aspects.

11. Learned Presenting Officer submits that Electoral Role of Gadgaon (Annexure-XVI) shows the name of Smt. Bhavna

Patil (applicant herein) at Sr. No. 679 as Voter of Gadgaon. Learned P.O. submits that the Public Information Officer, on application under Right to Information Act, 2005, clearly stated that Shri Rahul Rajendra Patil (husband of applicant herein) had shifted his Ration Card to village Adgaon from Parola City on 26.06.2018. This goes to show that the applicant has prepared documents during the course of selection and appointment process for the post of Police Patil. Thus the Circular of Chief Secretary of Maharashtra dated 05.06.2010, annexed by applicant cannot be considered as evidence of residence as stated by the applicant herself. Learned P.O. submits that the Residential Certificate of Talathi, as well as, Gramsevak (Village Development Officer) shows residence of Smt. Bhavna Patil (applicant herein) as village Gadgaon (Annexure XIX).

12. Learned Presenting Officer submits that in terms of Section 4 of the Maharashtra Gram Police (Appointment, Allowances and Conditions of Services) Order 1968, it is proved that, the present applicant is not permanent resident of village Adgaon. Learned P.O. submits that the applicant has not approached this Tribunal with clean hands and she had concealed the true facts from this Tribunal. Though the applicant and her husband are resident of Parola and having

their names in the Electoral Role of Village Gadgaon, the applicant has prepared and collected the documents regarding her residence during the course of selection process and tried to get herself selected for the post of village Police Patil of village Adgaon. Learned P.O. submits that there is no substance in the present Original Application and the same is liable to be dismissed.

13. Learned counsel for respondent No. 2 has filed affidavit in reply and strongly resisted the Original application. Learned counsel appearing for respondent No. 2 submits that respondent No. 2 got knowledge on 30.08.2018 about the appointment of applicant as Police Patil of village Adgaon. Thereafter, immediately the respondent No. 2 brought it to the notice of respondent SDO and the Collector by filing a proper objection dated 30.08.2018 to the effect that applicant is not from the village Adgaon and she is not the permanent resident of said village. The respondent No. 2 has also filed various documents including the Voters List of Gadgaon village, Ration Card and other documents of applicant. But the same were not considered. Learned counsel submits that the applicant annexed the proof of permanent resident of Adgaon as Annexure A.1, but in that she annexed Aadhar card of herself, her husband and

mother-in-law, she also annexed the Election Card on that the permanent residence reflects Adgaon. Learned counsel submits that there is a Group Gram Panchayat for villages Adgaon and Gadgaon so the residence of Gadgaon people's Aadhar card shows the name of residence of village Adgaon only. Thus the applicant is taking benefit of these documents. The applicant also annexed the extract of Namuna No. 8 to demonstrate that the applicant is Bhogwatdar of House No. 65 of Adgaon. However, the applicant has filed Self declaration letter in reply in OA No. 709/2018 that shows she is residing in her joint family property at Adgaon. Now the applicant has submitted extract of house No. 65. It is thus clear that in order to secure the post of Police Patil, the applicant has collected and created the bogus documents to show that she is permanent resident of village Adgaon.

14. Learned counsel for respondent No. 2 submits that the applicant has also annexed copy of Ration Card. On the said ration card, there is overwriting and therefore the applicant filed an application dated 07.09.2018 under Right to Information Act to the Tahasildar, Parola. On 25.09.2018, the respondent No. 2 has received information through Tahasildar Parola that said Ration card was transferred from Parola to Adgaon after the

advertisement. Learned counsel submits that the advertisement for Police Patil was published on 05.05.2018. It is thus clear that for securing the post of Police Patil, the Ration Card was transferred.

15. Learned counsel for respondent No. 2 submits that mother-in-law of the applicant has contested in Adgaon-Gadgaon Group Gram Panchayat election in the year 2015 from Ward No. 3 i.e. in Gadgaon and at that time, the documents were produced regarding residential proof from Gadgao village only. It is clear from the information received from the concerned Tahasildar that mother-in-law of applicant is also having ration card of Parola also. Learned counsel submits that the applicant and her mother-in-law have played fraud.

16. Learned counsel for respondent No. 2 submits that the information received from BLO is authentic. The applicant has submitted various documents such as Aadhar Card, Election Card, Certificate of Register Marriage etc. and in all these documents residence of applicant is shown as Adgaon. In all these documents because of Group Gram Panchayat names of all people on Aadhar Card and Election Card was shown as Adgaon and not Gadgaon. The applicant cannot take the benefit about

the same referring Aadhar Card, Election Card and Marriage Certificate. Thus the contentions raised by the applicant in the Original Application are false and illegal and as such, there is no merit in the same. Learned counsel submits that the impugned order passed by respondent No. 1 is proper, correct and legal and the Original Application is devoid of any merits and the same is liable to be dismissed with costs.

17. Learned counsel for respondent in order to substantiate his contentions placed his reliance on following cases :-

- (i) Avtar Singh Vs. Union of India and Others, reported in (2016) 8 Supreme Court Cases 471.
- (ii) W.P. No. 1515/2017 (Rukhmin d/o Maruti Shinde Vs. Pralhad Manjaji Raner & Ors.), decided on 31.03.2017.

18. Learned counsel for the applicant on the basis of rejoinder affidavit filed by the applicant to the affidavit in reply filed on behalf of respondent Nos. 1 and 2 submits that the applicant has specifically denied the allegations leveled against her that the documents showing herself to be permanent resident of village Adgaon were prepared and collected at the subsequent point of time. The applicant has relied upon all these documents

since beginning to show & establish that post marriage with Mr. Rahul Rajendra Patil in January 2013 she is permanent resident of village Adgaon in Parola Taluka of Jalgaon District. Thus the conclusion reached by respondent No. 1 in the impugned order dated 13.12.2019 is absolutely unsustainable & untenable.

19. Learned counsel for the applicant submits that one Smt. Seema Amrutrao Patil, who was appointed as Police Patil had resigned from the said post on the same day i.e. on 27.08.2018 and the applicant was given appointment as Police Patil being the candidate next in the line. Thus, the final select list and wait list had completely been operated and it had ceased to exist. It is therefore, incorrectly referred by respondent No. 1 in the impugned order that the respondent No. 2 was the candidate, who had secured 3<sup>rd</sup> position in the selection process. The name of respondent No. 2 was neither included in the select list nor in the wait list and due to which in the event of cancellation of appointment of the applicant, the only course open for the respondent No. 1 was to issue a fresh proclamation and undertake a fresh process for the post in question. However, as seen from the impugned order dated 13.12.2019, the respondent No. 1 after cancelling the appointment of the

applicant, appointed respondent No. 2 as Police Patil of village Adgaon.

20. Learned counsel for the applicant submits that on the basis of two Notifications issued by the Collector, Jalgaon on 31.05.2010 and 13.02.2015 respectively, it is clear that the villages of Adgaon-Gadgaon comprise of a Group Grampanchayat, which in turn is further divided into three Wards. Learned counsel submits that if the Group Grampanchayat of Adgaon-Gadgaon comprises of three Wards, which fall in the Adgaon and Gadgaon villages meaning that even if a person is a resident of village Adgaon, he or she can contest Grampanchayat Election for a Ward falling in the Gadgaon village and vice-versa. Therefore, if the mother-in-law of the applicant had contested the Adgaon-Gadgaon Group Grampanchayat Election in the year 2015 from Ward No. 3 under the Gadgaon village, that did not at all mean that she was the resident of village Gadgaon. Learned counsel submitted that self-declaration submitted by the applicant in O.A. No. 709/2018 (filed by respondent No. 2) on the other hand support this contention. The said self-declaration is marked as Annexure A-2 for ready reference.



21. Learned counsel for the applicant submits that the applicant has placed on record ration card and the respondent No. 2 has also placed the same ration card. Both these documents clearly show the address of husband of the applicant as Adgaon and it also contains the signature of the concerned Revenue Official along with the date. The respondent No. 2 has tried to confuse the whole issue and ultimately mislead this Tribunal by taking benefit of the fact that there is a Group Grampanchayat of two villages viz. Adgaon and Gadgaon.

22. Learned counsel for respondent No. 2 on the basis of sur-rejoinder to the rejoinder affidavit by the applicant submits that the examination was conducted by the respondent authorities for the post of Police Patil of the said village and the result was published on 22.07.2018. The respondent No. 1 has published the list of three selected candidates for the said post and the respondent No. 2 stood third in the waiting list in all general (women) category, whereas one Seema Amrutrao Patil and the applicant was on conformed list. The applicant has taken objection against the said Seema A. Patil that she is having double ration card and therefore, on 27.08.2018 the said Seema A. Patil was withdrawn her form. The applicant is on waiting list No. 2 and she is elected.

23. Learned counsel for respondent No. 2 submits that the applicant has relied on two Notifications issued by the Collector, Jalgaon on 31.05.2010 and 31.02.2015 respectively that village of Adgaon-Gadgaon comprise of Group Grampanchayat, which in turn further divided into three wards. It is clearly mentioned in the said Notifications that peoples of Adgaon-Gadgaon can contest the election of Group Grampanchayat. There were three wards and the voters list 2018 Adgaon (Bhag-204) Ward No. 3 clearly shows that Ward No. 3 is in Gadgaon and the applicant's name is also shown in Ward No. 3 (Bhog-204). Learned counsel submits that it is crystal clear that at present Police Patil of village Gadgaon is one Ravindra Hemraj Shirsath, whose name is also shown in the same list. Thus the Notifications issued by the Collector regarding the election of Group-Grampanchayat in respect of election only and not in respect of appointment of Police Patil.

24. Learned counsel for respondent No. 2 submits that the applicant has annexed proof of permanent resident of village Adgaon as Annexure A-2. In the same self-declaration dated 30.09.2018, the applicant has stated that she is residing in Group Grampanchayat House No. 141 i.e. owned by Yogendra Yuraj Patil (More). But the applicant has also annexed at page

No. 40 of the Original Application the extract of Namuna No. 8 in that she is Bhogwatdar of House No. 65 of Adgaon i.e. owned by one Ravindra Govinda Patil. The applicant has filed self-declaration letter in reply in O.A. No. 709/2018 (page No. 62) in that the applicant has stated that she is residing in her joint family property at Adgaon owned by Yogendra Yuraj Patil (More). Therefore, it is clear that the applicant has taken different stand at the different time. Learned counsel submits that rejoinder affidavit filed by the applicant is not true and correct.

25. Learned counsel for respondent No. 2 submits that in the ration card placed on record by the applicant at page No. 31 and page No. 104 are the same documents. However, there was overwriting on the said documents. Therefore, the respondent No. 2 has made an application dated 07.09.2018 under the provisions of Right to Information Act, 2005 to Tahsildar Parola and received the information through Tahsildar Parola that the said ration card was transferred from Parola to Adgaon after the advertisement. Learned counsel submits that the advertisement for the post of Police Patil was published on 05.05.2018 and the said Ration Card was transferred in the month of June 2018. It is thus clear that for securing the post of Police Patil, the ration Card was transferred subsequently.

26. Learned counsel for respondent No. 2 submits that as per Aadhar Card of Police Patil of village Gadgaon vis. Ravindra Hemraj Sirsath, the village name is shown as Gadgaon and one more person viz. Arun Gajanan Patil his residence of Gadgaon and his name also reflects in Ward No. 204 i.e. in Gadgaon. It is thus clear that due to Group Grampanchayat, the village shows on ID Card Adgaon. Learned counsel submits that as per Annexure S-2, Aadhar Card, Pan Card and Voter ID of various villagers showing this position. In the voter list of Adgaon-Gadgaon, Ward No. 204 is in Gadgaon and the name of the present applicant and the present Police Patil viz. Ravindra Hemraj Sirsath and one Arun Gajanan Patil are also shown in the same Ward No. 208. Therefore, it is clear that the applicant is not the permanent resident of village Adgaon and she is resident of village Gadgaon only.

27. In this Original Application the issue is as to whether the applicant was permanent resident of village Adgaon or not. Admittedly, in terms of the advertisement dated 04.05.2018 so also in terms of clause No. 3 (c) of the Maharashtra Village Police Patils (Recruitment, Pay, Allowances and other Conditions of Service) Order, 1968, the person applying for the post of Police Patil of a particular village must be the permanent resident of

that village. The respondent No. 2 has raised an objection that the applicant is not a permanent resident of a particular village i.e. Adgaon and the respondent No. 1 i.e. the Sub-Divisional Officer, Erandol Division, Erandol, Dist. Jalgaon by impugned order dated 13.12.2019 cancelled the appointment order of the applicant and further appointed respondent No. 2 as Police Patil of village Adgaon.

28. On careful perusal of the impugned order dated 13.12.2019, so also, the original record submitted before this Tribunal by learned Presenting Officer, it appears that there is a long list of documents submitted by the applicant to substantiate her claim viz. :-

- (i) Domicile certificates issued by the Tahsildar, Parola dated 16.10.2017 & 20.07.2018, wherein the residence of the applicant is shown as village Adgaon, Tq. Parola.
- (ii) Residence certificate issued by the concerned Gram Sevak of village Adgaon, Tq. Parola dated 19.04.2018 and 05.05.2018 respectively.
- (iii) Verification report submitted by the Gramsevak and Sarpanch about the permanent residence of the applicant as village Adgaon, dated 03.09.2018.

- (iv) Residence certificate of the applicant issued by the concerned Talathi of Village Adgaon, Tq. Parola dated 29.03.2017.
- (v) Aadhar card of the applicant, wherein the address of the applicant is mentioned as At Post Adgaon, Tq. Parola, Dist. Jalgaon.
- (vi) Election card of the applicant, wherein address of the applicant is mentioned as At Post Adgaon, Tq. Parola, Dist. Jalgaon.
- (vii) Voters list of village Adgaon, wherein in Voters List No. 233 at Sr. No. 1063, the address of the applicant is mentioned as village Adgaon.
- (viii) Marriage Registration Certificate, wherein it is mentioned that on 06.01.2013 the applicant got married with Rahul Rajendra Patil, R/o Adgoan, Tq. Parola and the said marriage registered on 31.03.2013 in the Grampanchayat of village Adgaon and accordingly concerned Gramsevak of village Adgaon has issued certificate to that effect on 01.06.2017.
- (ix) Ration Card of husband of the applicant, wherein the name of the applicant is mentioned at Sr. No. 2 and the address is shown as village Adgaon, Dist. Parola, Dist. Jalgaon. The said ration card is attached to the Fair Price Shop No. 45 at Adgoan along with online number.

- (x) Aadhar card of husband of the applicant, wherein the address is shown as Adgaon, Tq. Parola, Dist. Jalgaon.
- (xi) Election card of husband of the applicant, wherein his address is shown as Adgaon, Tq. Parola, Dist. Jalgaon.
- (xii) Driving License of husband of the applicant, wherein his address is shown as Adgaon, Tq. Parola, Dist. Jalgaon.
- (xiii) Election card of father-in-law of the applicant viz. late Rajendra Bhagwan Patil, wherein address is shown as village Adgaon, Tq. Parola, Dist. Jalgaon.
- (xiv) Election card of mother-in-law of the applicant viz. Smt. Sadhana Rajendra Patil, wherein address is shown as village Adgaon, Tq. Parola, Dist. Jalgaon.
- (xv) Aadhar card of mother-in-law of the applicant viz. Smt. Sadhana Rajendra Patil, wherein address is shown as village Adgaon, Tq. Parola, Dist. Jalgaon.
- (xvi) 7/12 extract of land in the name of husband of the applicant and other family members of Gut No. 72 and Gut No. 48/2/A/1 of village Adgaon.
- (xvii) Extract of Namuna No. 8 of ancestral residential house of family of the applicant, where the property is shown to be situated within the Grampanchayat limits of village Adgaon, Tq. Parola.

(xviii) Residence certificate issued by the Police Patil, Adgaon in favour of the applicant of permanent residence of village Adgaon, Tq. Parola dated 03.07.2017.

29. It further appears that as against all these documentary evidence, respondent No. 2 has mainly relied upon the certificate issued by Booth Level Officer (BLO) viz. Ravindra Kautik Shelar dated 10.04.2018, wherein the residence of the applicant is shown as Gadgaon. The Residence certificate dated 12.08.2018 issued by Gramsevak of Group Gram Panchayat Adgaon-Gadgaon, Tq. Parola, Dist. Jalgaon, wherein residence of the applicant is shown as village Gadgaon. In addition to this, some information is received under the Right to Information Act to substantiate that before submission of application for the post of Police Patil, the applicant has enrolled her name in the voters list as resident of village Adgaon.

30. After having gone through the impugned order carefully, it appears that the respondent No. 1 i.e. the Sub-Divisional Officer, Erandol, Dist. Jalgaon has not given reference to the Domicile certificates issued by the Tahsildar, Parola dated 16.10.2017 and 20.07.2018. Even there is no reference to the various certificates issued by the concerned Gramsevak, Talathi, verification report submitted by the Gramsevak and Sarpanch,



Election card and Voters list. Even the Marriage registration certificate of the applicant dated 06.01.2013 is discarded only for the reason that the said certificate was obtained in the year 2018, when the advertisement calling upon the applications for the post of Police Patil of village Adgaon was published.

31. In this context, in my considered opinion, the Domicile certificates issued by the Tahsildar, Parola dated 16.10.2017 and 20.07.2018, residence certificate issued by the Gramsevak and Talathi concerned, Aadhar Card, Marriage Registration Certificate and Election card are the important documents, wherein the permanent address of the applicant invariably shown as Adgaon, which can be relied upon as the conclusive proof to find out the permanent residence of a candidate applying for the post of Police Patil. However, it appears that the respondent No. 1 has given importance to the certificate issued by the Booth Level Officer (BLO).

32. I have carefully gone through the certificate issued by the Booth Level Officer (BLO). The same is dated 10.04.2018. The said certificate is without any outward number, stamp, designation and only name is mentioned as BLO Gadgaon with stamp as BLO/16/204. Appearance and bare reading of the said

certificate issued by the BLO raises serious doubt about its authenticity. In the said certificate there is a reference of Voter List No. 204 and at Sr. No. 679, the name of the applicant is referred in connection with the said entry and it is further stated that in Ward No. 3 of Gram Panchayat the name of the applicant is also mentioned and therefore, the applicant is resident of village Gadgaon. The said certificate is as vague as it could be.

33. The applicant has placed along with rejoinder affidavit two Notifications issued by the Collector, Jalgaon on 31.05.2010 and 13.02.2015 respectively. On perusal of the same it appears that the villages Adgaon-Gadgaon comprise of a Group Grampanchayat, which is in turn further divided into three Wards.

34. I have carefully gone through the original record and proceedings particularly Government Gazette/ Notification dated 16.10.2017, wherein after reconstitution of Revenue Circles, the Revenue Circle Tamaswadi and other Revenue Circles are mentioned, which is relevant for the present discussion. It appears that the Revenue Circle, Tamaswadi consisting of following villages :-

- (i) Tamaswadi
- (ii) Toli
- (iii) Devgaon
- (iv) Jogalkhede
- (v) Adgaon
- (vi) Shivredigar
- (vii) Karmad Khurd.

So far as village Adgaon is concerned, the same is consisting of three village viz. (i) Adgaon, (ii) Gadgaon and (iii) Tarwade Khurd. Even before reconstitution of Revenue Circles particularly Revenue Circle Tamaswadi, so far as village Adgaon is concerned, which is a part of Tamaswadi Revenue Circle it consist of three villages i.e. Adgaon, Gadgaon and Tarwade Khurd. In view of the same, if a voters list is prepared after reconstitution, it cannot be said or inferred conclusively that the applicant is permanent resident of village Gadgaon and not of village Adgaon. The respondent No. 1 has committed grave error by mainly relying upon the said certificate issued by BLO. In the result, the present Original Application deserves to be allowed.

35. It is also necessary to observe here that the respondent No. 1 has not only ignored the various documents submitted by the applicant but incorrectly relied upon the unauthentic document issued by Booth Level Officer, Gadgaon

(BLO), but has gone to the extent by appointing respondent No. 2 as Police Patil of village Adgaon by cancelling the appointment of the applicant, when the name of respondent No. 2 is not in the waiting list. It speaks for itself.

36. In view of the discussions as above, following order is passed :-

**ORDER**

- (i) The Original Application is hereby allowed.
- (ii) The order dated 13.12.2019 (Annexure A-8) issued by respondent No. 1 thereby cancelling the appointment of the applicant (Bhavana Rahul Patil) as Police Patil of village Adgaon in Parola Taluka of Jalgaon district and instated appointing respondent No. 2 (Sheetal Manohar More) in her place is hereby quashed and set aside.
- (iii) The respondent No. 1 is hereby directed to reinstate the applicant as Police Patil of village Adgaon in Parola Taluka of Jalgaon District within a period of four weeks from the date of this order.
- (iv) In the circumstances, there shall be no order as to costs.
- (v) The Original Application is accordingly disposed of.

- (vi) The original record and proceedings be returned to learned Presenting Officer forthwith.

**PLACE : Aurangabad.**

**DATE : 02.09.2024**

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

**KPB** S.B. O.A. No. 98 of 2020 VKJ Police Patil