

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO.669/2016 (D.B.)

Ravindra Nathuji Chaudhary,
aged-major, resident of Gayatri Nagar,
Subhash Ward, Ganeshpur, Bhandara.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Rural Development Department,
Mantralaya, Mumbai.
- 2) The District Selection Committee,
Bhandara, through its Chairman the Collector,
Bhandara, Collector Office, Bhandara.
- 3) The Member Secretary,
District Selection Committee, Bhandara,
[Resident Deputy Collector, Bhandara]
Collector Office, Bhandara.
- 4) The Tahsildar, Bhandara.
- 5) Shri Markand Karuji Sahare,
aged - major resident of Chikhalpahela,
Tahsil and district : Bhandara
- 6) Shri Anilkumar Rajratan Fulekar,
aged major, resident of Vaishalinagar,
behind Government Dodawn, Lakhandur Tahsil Lakhandur,
District: Bhandara.

Respondents.

Shri B.M.Kharkate, Ld. Counsel for the applicant.
Shri M.I.Khan, Ld. P.O. for the respondents 1 to 4.
None for the respondents 5 and 6.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman &
Hon'ble Shri Nitin Gadre, Member (A).
Dated:- 05th December, 2024.

JUDGMENT

Judgment is reserved on 03rd December, 2024.

Judgment is pronounced on 05th December, 2024.

Per : Member (A).

Heard Shri B.M.Kharkate, learned counsel for the applicant and Shri M.I.Khan, learned P.O. for the respondents 1 to 4.
None for the respondents 5 and 6.

2. The application was submitted on 20.07.2016 regarding the Talathi Recruitment in Bhandara District. The applicant states that the respondents had published a notice for the Direct Recruitment process in the year 2015. The applicant possessed qualifications such as B.A. (Marathi), MS-CIT, English and Marathi typing and had also worked for 3 years as a part-time employee. The result was declared and the applicant scored 134 marks, respondent number 5 scored 102 marks and respondent number 6 scored 98 marks. Even though the applicant scored more marks, he

was not selected. The relevant portion of the application is as follows

5.8] The applicant submits that as per selection criteria it is necessary that one should work for 3 years as a Part Time Employee. The applicant has worked during the period from 1.7.1995 to 1.7.1998 i.e. for 37 months [three years and more], as a Part Time Employee and in that behalf, the applicant has been issued a certificate by the Tahsildar, Bhandara. On the basis of said certificates, the applicant had even appeared in various examinations.

D] It is submitted that the respondents ignored the fact that the applicant had submitted all correspondence showing that Collector directed Tahsildar to submit report about three years part-time working in respect of applicant and who in turn verified the same and gave a wrong report that applicant did not complete three years, on the contrary the certificate which was issued by the same authority shows that the applicant was working during 1.7.1995 to 1.7.1998 continuously for a period of three in the office of Tahsil Office, Bhandara as a Part Time employee. Hence, the action of the respondents is contrary to their own documents.

E] It is further submitted that even the applicant submitted the payment register to the respondents, showing him to have been working for three years, still same is ignored by the respondents and though the respondent nos.5 and 6 have scored less marks than the applicant their names are included in the final select list and name of the applicant is not included. Hence, the action being contrary to record, needs to be quashed and set aside.

3. The applicant has submitted a certificate dated 13.12.2000 issued by the Naib Tahasildar, Bhandara that he had

worked for 3 years from 1.07.1995 to 1.07.1998. He has also submitted Xerox copies of the payment registers to show that he worked for three years.

4. The respondent numbers 2 and 3 have submitted their reply on 23.06.2017. They have objected to the claim of applicant that he had worked as a part-time employee for 3 years. The relevant portion of the reply is as follows :-

The applicant has not completed 3 years of service as part time employee and hence he was not eligible for the post of Talathi from the said category. The names of the candidates who were found eligible have been included in the proposed select list. The applicant has scored highest marks than the respondent nos. 5 to 6, but as the applicant has not completed requisite period i.e. 3 years of service as a Part Time employee, he was not eligible to be appointed on the post of Talathi. It is not correct to say that the applicant has worked as a part time Employee for being appointed as Talathi in view of aforesaid publication. It is submitted that the answering respondents have called the report from respondent no. 4 i.e. Tahsildar, Bhandara. Bare perusal of the report would reveal that the applicant had worked only for a period of two years and 4 months i.e. from July, 1995 to November, 1997. Thus, it would become clear that the applicant does not fulfill the eligibility criteria prescribed for appointment to the post of Tahsildar as he has not completed 3 years of service.

5. They have submitted a report dated 1.12.2015 by the Tahasildar given to the Collector, Bandara. The report mentions that

the applicant had worked during July, 1995 to November 1997 for a period of 2 years and 4 months.

6. The respondent number 4 has submitted his reply on 24.07.2018. He claims that the applicant had worked for 2 years and 5 months as a part time employee. The relevant portion of his reply is as follows:

It is submitted that the applicant had filed the application under the Right to Information Act thereby sought the copy of register showing demand of employment under Employment Guarantee Scheme and also the payment register. The said copies were supplied by the Office of the respondent no.4 to the applicant. However, after perusal of original record, it is seen that the entries were taken at the last of page. There is difference in handwriting and the same were carried after thought. As per the record of the Office i.e. pay register, the applicant had worked upto November, 1997. Therefore, there is no signature found of the applicant receiving the payment from November, 1997 to July, 1998 and therefore the report dated 01.12.2015 was submitted to the respondent no.2 after verifying the records by then the Office of the respondent no.4-the Tahsildar Bhandara.

7. The important issue is whether the applicant has worked for 3 years as a part-time employee. Even though the Naib Tahasildar had issued a certificate that he worked for three years, his higher authority, Tahsildar has given a report that the applicant had worked for less than 3 years. The Tahsildar has disputed the claim of the applicant that entries in the register prove that he had

worked for three years as a part-time employee. Also, it is not possible for the Tribunal to reach to a conclusion that the applicant had worked for three years as a part time employee only from the handwritten entries in the Xerox copies of the payment registers. The Tahasildar has also mentioned in his reply that there are no signatures of the applicant on the payment register about receiving payments for a certain period. Under, these circumstances, it is not possible to conclude from the documents on record that the applicant had worked as a part-time employee for three years. Hence, we proceed to pass the following order-

ORDER

The O.A. is dismissed with no order as to costs.

(Nitin Gadre)
Member(A)

(Justice M.G.Giratkar)
Vice Chairman

Dated – 05/12/2024
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde.
Court Name : Court of Hon'ble Vice Chairman
& Hon'ble Member (A).
Judgment signed on : 05/12/2024.
and pronounced on