

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 1230 of 2023 (S.B.)

Sanjay S/o Bhagwan Atkari,
Aged about 39 years, Occupation: Labour,
Resident of Chichghat Navegaon, Tahsil Kuhi,
District Nagpur.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary, Revenue & Forest Department,
Mantralaya, Mumbai-400032.
- 2) The State of Maharashtra,
through Collector, Nagpur, Tahsil & District Nagpur.
- 3) Sub Divisional Executive Magistrate,
Umred and President of Police Patil Recruitment Process
Committee-2023, Umred, Tahsil Umred, District Nagpur.
- 4) Tahsildar Kuhi, Tahsil Kuhi, District Nagpur.
- 5) Onkar S/o Urkuda Thote,
Aged about 39 years, Occupation: Labour,
Resident of Chichghat Chapegadi, Tahsil Kuhi, District Nagpur.

Respondents.

Shri R.L. Kadu, Advocate for the applicant.
Smt. A.D. Warjekar, learned P.O. for respondent nos.1 to 4.
None for respondent no.5.

Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Dated :- 14/10/2024.

J U D G M E N T

Heard Shri R.L. Kadu, learned counsel for the applicant
and Mrs. A.D. Warjekar, learned P.O. for the respondent nos.1 to 4.
None for respondent no.5.

2. The case of the applicant in short is as under –

The respondents have published advertisement on 2/5/2023 for filling the vacant post of Police Patil in Sub Division, Umred including Tahsil Kuhi. The petitioner has filed his application for the post of Police Patil of village Chichghat (Navegaon) along with all the required documents. On 13/6/2023, respondent no.2 had published list regarding Police Patil recruitment process. Three candidates had applied for the post of Police Patil for the village Chichghat Navegaon, i.e., Petitioner Sanjay Bhagwan Atkari, his wife Sau. Shilpa Sanjay Atkari and one Anil Kashinath Bhadade. Out of them, Petitioner Sanjay Bhagwan Atkari, his wife Sau. Shilpa Sanjay Atkari were found eligible for the said post, whereas, Anil Kashinath Bhadade were found ineligible. On 25/6/2023 on receipt of call letter from respondent no.2, petitioner had appeared in the examination on 25/6/2023. There are two villages in Kuhi Tahsil, i.e., 'Chichghat'. One is 'Chichghat (Navegaon)', which is the village of the petitioner, whereas another is 'Chichghat Chapegadi', with which the petitioner has no concern.

3. Petitioner is the only candidate of village Chichghat (Navegaon) and therefore he should have been appointed by the respondent authorities, but respondent no.5 raised objection stating that the applicant is not resident of village of Chichghat Chapegadi and therefore the applicant is not appointed by the respondents

authorities. Hence, the applicant approached to this Tribunal for the following reliefs –

“(9) a) Direct the Respondent No.3- Sub Divisional Executive Magistrate, Umred and President of Police Patil Recruitment Process Committee-2023, Umred, to Declare the petitioner is the only candidate from village Chichghat Navegaon, Tahsil Kuhi, District Nagpur, who has passed the Examination and Interview held by the Respondents Department for the Post of Police Patil of village Chichghat Navegaon, Tahsil Kuhi, District Nagpur, and that he is legally entitled to be appointed on the Post of Police Patil for village Chichghat Navegaon, Tahsil Kuhi, District Nagpur, and accordingly declare him Successful for the said Post.

(b) Direct the Respondent No.3- Sub Divisional Executive Magistrate and President of Police Patil Recruitment Process Committee-2023, Umred to insert/publish the name of the present petitioner in the Final Selection List showing the petitioner as Successful Candidate for his appointment on the Post of Police Patil of village Chichghat Navegaon, Tahsil Kuhi, District Nagpur.

(c) Direct the Respondent No.3- Sub Divisional Executive Magistrate and President of Police Patil Recruitment Process Committee-2023, Umred to Remove the name of the petitioner from the Final Selection List of village Chichghat Chapegadi in which he is wrongly shown as Resident of village Chichghat Chapegadi and as Failed at Sr.No.70.

(d) Direct Respondent Nos.3- Sub Divisional Executive Magistrate and President of Police Patil Recruitment Process Committee-2023, Umred and Respondent no. 4- Tahsildar Kuhi, Tahsil Kuhi, District Nagpur to produce CCTV Footage covering the Examination and Interview of the Candidates for the Post of Police Patil for the kind perusal of this Honourable Court.

e) Direct Respondent No.2- Collector Nagpur to make enquiry into the aforesaid matter against Respondent Nos. 3, 4 and 5 and take necessary actions against them, as due to their illegal acts, the petitioner is required to suffer without any fault on his part.

f) By way of interim relief Kindly direct the respondent No.3- Sub Divisional Executive Magistrate and President of Police Patil Recruitment Process Committee-2023, Umred not fill up Post of Police Patil of village Chichghat Navegaon, Tahsil Kuhi, District Nagpur, till disposal of the instant petition;

(10) Pending decision of the Original application, the applicant prays for the interim relief in terms of Prayer Clause (f) direct the respondent No.2- Sub Divisional Executive Magistrate and President of Police Patil Recruitment Process Committee-2023, Umred not fill up Post of Police Patil of village Chichghat Navegaon, Tahsil Kuhi, District Nagpur, till disposal of the instant application.”

4. Respondent no.3 has filed reply. It is submitted that as per the advertisement, Chichghat Chapegadi is having talathi saza no.58 and Navegaon (Chichghat) having talathi saza no.61. The applicant is resident of Chichghat (Navegaon) talathi saza no.62 and therefore he is not appointed. It is further submitted that the applicant has secured very less marks. Other candidates namely Onkar Thote secured 68 marks, Arti Gabhane secured 77.06 marks they are resident of Chichghat Chapegadi and therefore Arti Gabhane is appointed on the post of police patil of village Chichghat Chapegadi.

5. It is submitted that the applicant has secured less marks. Hence, the applicant cannot claim that he should be appointed of village Chichghat Chapegadi. It is further submitted that Navegaon

(Chichghat) is reserved for female candidate. Hence, the O.A. is liable to be dismissed.

6. The learned counsel for applicant has vehemently argued and pointed out various documents to show that the applicant is resident of village Chichghat (Navegaon) and submitted that there is no other village in the advertisement. The applicant is the only candidate of village Chichghat (Navegaon) and therefore he should be appointed on the post of Police Patil. Hence, prayed to allow the O.A. As per his submission, the post is vacant, therefore, direction be given to the respondents to appoint him on the post of Police Patil.

7. The applicant has not pointed out any rule of recruitment of Police Patil. The only question in this O.A. is in respect of village. As per the contention of the applicant that the applicant is resident of village Chichghat (Navegaon), whereas, as per the submission of P.O. there was no such advertisement in respect of village Chichghat (Navegaon). She has pointed out the advertisement dated 2/5/2023. As per this advertisement, village Chichghat at sr.no.53 is only mentioned, at sr.no.136 Navegaon (Chichghat) is mentioned. In the bracket, talathi saza is mentioned. Navegaon (Chichghat) is having talathi saza no.61 and Chichghat Chapegadi is having talathi saza 58 whereas the applicant is resident of talathi saza 62 and therefore the applicant is not appointed.

8. There is no dispute that the applicant has secured less marks as compared to other. Para-9 of the reply filed by respondent no.3 is reproduced below –

“9. The applicant during the recruitment drives for the appointment of Police Patil for village Chichghat, Tahsil Kuhi, Distt. Nagpur is placed on the 3rd rank as he has secured total 55.4 marks (40 marks out of written examination and 15.4 marks out of oral examination). Whereas, the respondent no. 5. Onkar Thote is placed on the 2nd rank as he has secured total 68 marks (51 marks out of written examination and 17 marks out of oral examination) and Smt. Aarti Kailas Gabhane, Candidate from Chichghat Village is placed on 1st rank as she has secured total 77.6 marks (59 marks out of written examination and 18.6 marks out of oral examination). She has been selected for the Police Patil post of Village Chichghat, in spite of that she has not been made a respondent in the said O.A. and therefore, the plea of applicant for the consideration of his name for the said post is against the canon of said G.R. and therefore the present O.A. deserves no substance and liable to be dismissed. It is also submitted that there is no provision for appointing candidate shown at serial no. 3 in final list.”

9. Various documents filed by respondents clearly shows that there are 2/3 villages of name as Chichghat one village is having Chichghat Chapegadi, another village is having Navegaon (Chichghat) and Chichghat (Navegaon). As per the advertisement, post of Police Patil of Navegaon (Chichghat) is reserved for woman category and post of Police Patil of village Chichghat Chapegadi is reserved for

OBC. As per the merit, Arti Gabhane is appointed on the post of police patil of village Chichghat Chapegadi.

10. Though nobody is appointed of village Navegaon (Chichghat), but it appears from the advertisement that post of Navegaon (Chichghat) is reserved for woman category, therefore, applicant cannot claim for the post of Navegaon (Chichghat). The post of Chichghat Chapegadi is already filled by the respondents.

11. As per the merit, the applicant has secured very less marks. The reply filed by respondent no.3 clearly shows that other candidates secured more marks as compared to the applicant. Moreover, the documents filed on record show that the advertisement was in respect of village Chichghat Chapegadi talathi Saza no.58 and Navegaon (Chichghat) talathi saza no.61, whereas, the applicant is resident of village Navegaon (Chichghat) talathi saza no.62. Therefore, it is clear that the applicant is not the resident of talathi saza nos. 58 and 61 of village Chichghat Chapegadi / Navegaon (Chichghat) and therefore the applicant cannot claim that he should be posted as police patil of village of Navegaon (Chichghat).

12. From the perusal of the advertisement, it is clear that there was no such advertisement for the post of Police Patil of village Chichghat (Navegaon). The advertisement clearly shows that posts of Police Patil of village Chichghat Chapegadi talathi Saza no.58 and

Navegaon (Chichghat) talathi saza no.61 were advertised. Though applicant is resident of Chichghat, but that village is of talathi saza no.62 and therefore he cannot claim that village Navegaon Chichghat is the same village which was advertised by the respondent authorities.

13. Hence, the applicant failed to establish that he is resident of same village which was advertised by the respondent authorities for the post of Police Patil. Moreover, the applicant has secured very less marks therefore even on merit the applicant cannot claim that he should be appointed on the post of Police Patil. Hence, the following order –

ORDER

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

Dated :- 14/10/2024.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 14/10/2024.