

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.207 OF 2018

DISTRICT : MUMBAI

Mrs. Varsha Pandurang Londhe.)
Age : 32 Yrs., Homemaker,)
Residing at At Post : Lasurne, Tal.: Indapur,)
District : Pune – 413 114.)...Applicant

Versus

1. The Sub-Divisional Officer.)
Baramati, New Government Bldg.,)
Ring Road, Tal.: Baramati,)
District : Pune – 413 102.)
2. The Collector.)
District : Pune.)...Respondents

Mr. D.B. Khaire, Advocate for Applicant.

Mr. A.J. Chougule, Presenting Officer for Respondents.

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 20.06.2019

JUDGMENT

1. In the present matter, the challenge is to the impugned order dated 11th January, 2018 whereby the Respondent No.1 – S.D.O, Baramati declared the

11/6/2019

Applicant ineligible for the post of Police Patil of Village Lasurne, Tal.: Indapur, District : Pune on the ground that she is not the resident of said Village.

2. During the course of hearing, it was transpired that the Applicant has submitted various documents showing that she is the resident of Village Lasurne. She had submitted application along with requisite document viz. Certificate issued by Talathi dated 12.06.2017, copy of Leaving Certificate showing birth place as Lasurne, copy of Aadhar Card, copy of Ration Card, copy of Voter List of 2018, copy of Bank Account Pass Book, Certificate issued by Village Development Officer, Gram Panchayat dated 13.12.2017 as well as Leave and License Agreement dated 21.12.2017 to show that even after marriage, she is residing at Village Lasurne. She participated in the process and secured highest marks, but has been declared ineligible on the ground that she is not the resident of the said Village.

3. The learned P.O. sought to contend that the Applicant got married in 2011 with one Nitin Gaikwad resident of Kathewadi, Tal.: Baramati, District Pune and since marriage, living with her husband.

4. On the other hand, the Applicant has specifically pleaded that even after marriage, she has continued her maiden name and staying at Lasurne in rented premises. She has also produced the copy of Leave and License Agreement dated 21.12.2017 as well as Certificate issued by Village Development Officer dated 13.12.2017 and Certificate of Talathi dated 12.06.2017 stating that the Applicant is residing at Lasurne.

5. Thus, according to Applicant, even after marriage, she is residing at Village Lasurne, and therefore, eligible for the appointment to the post of Police Patil.

6. In view of documentary evidence produced by the Applicant showing her residence at Lasurne, it was incumbent on the part of S.D.O, Baramati to conduct

proper enquiry and to pass reasoned order. In impugned order (Exh. 'A', Page 17 of Paper Book), it is stated that in enquiry, the Applicant was found not resident of Village Lasurne. However, the Enquiry Report has not forthcoming. There is nothing to show that the proper hearing was given to the Applicant before passing the impugned order.

7. When specific query about the Enquiry Report was raised to the learned P.O, he stated that he do not have Enquiry Report and stated that he has received the Affidavit-in-reply from the S.D.O. which he filed in the O.A. As such, except cryptic and unreasoned order, there is nothing on record to show that proper enquiry was conducted before coming to the conclusion that the Applicant is not the resident of Village Lasurne.

8. In view of above, there being no proper enquiry, the matter needs to be demanded to the S.D.O, Baramati for conducting proper enquiry and to pass appropriate order after giving an opportunity of hearing to the Applicant.

9. For the reasons stated above, the O.A. deserves to be disposed of with suitable direction. Hence, the following order.

ORDER

- (A) The Original Application is allowed.
- (B) The impugned order dated 11.01.2018 is set aside.
- (C) The matter is remanded with direction to the S.D.O, Baramati to conduct proper enquiry after giving a reasonable opportunity of hearing to the Applicant and to pass appropriate order about the eligibility of the Applicant within six weeks from today.
- (D) On conclusion of enquiry, the Sub-Divisional Officer is at liberty to pass further order of appointment of Police Patil of Village Lasurne,

which seems to have been held up because of the pendency of this O.A.

- (E) Needless to mention that, if the Applicant feels aggrieved by the order of S.D.O, he may avail further remedy in accordance to law.
- (F) No order as to costs.

Sd/-

(A.P. KURHEKAR)
Member-J

Mumbai

Date : 20.06.2019

Dictation taken by :

S.K. Wamanse.

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