

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 496 OF 2016

DIST. : AURANGABAD

Rangnath s/o Aatmaram Mete,
Age. 35 years, Occu. : Agri.,
R/o Aasadi, Tq. Sillod,
Dist. Aurangabad.

-- APPLICANT

V E R S U S

1. The State of Maharashtra,
Through its Principal Secretary,
Home Department,
Mantralaya, Mumbai.
2. The Sub Divisional Magistrate,
The Sub Divisional Office,
Sillod / Chairman of Police Patil
Appointment Committee,
Tq. Sillod, Dist. Aurangabad.
3. Fakirba s/o Pandurang Salwe,
Age. 30 years, Occu. Student,
R/o Aasadi, Tq. Sillod,
Dist. Aurangabad.

-- RESPONDENTS

APPEARANCE :- Shri B.N. Magar, learned Advocate for the
applicant.
: Shri V.R. Bhumkar, learned Presenting
Officer for the respondent nos. 1 & 2.
: Shri S.B. Mene, learned Advocate for
respondent no. 3.

CORAM : Hon'ble Shri B.P. Patil, Member (J)
DATE : 22nd November, 2017

ORAL - ORDER

1. Heard Shri B.N. Magar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for respondent nos. 1 & 2 and Shri S.B. Mene, learned Advocate for respondent no. 3.

2. The learned P.O. has filed on record copy of the order dated 17.10.2017 passed by the Sub Divisional Magistrate, Sillod cancelling the appointment of res. no. 3 Shri Fakirba Pandurang Salwe. It is taken on record and marked as a document 'X' for the purpose of identification and copy thereof has been served on the learned Advocate for the applicant. The learned P.O. has submitted that, since the appointment of res. no. 3 has been cancelled by the res. no. 2, nothing survives in the present O.A. and therefore the same may be disposed of.

3. The learned Advocate for the applicant has submitted that the applicant has prayed to cancel the appointment of res. no. 3 and direct the res. no. 2 to issue appointment order in favour of the applicant as the applicant stood second in the merit list as he has secured 68 marks while the res. no. 3 has secured 71 marks. He has submitted that the res. no. 2 has not taken decision regarding appointment of the applicant on the post of Police Patil on cancellation of appointment of res. no. 3 as a Police Patil.

Therefore, he has submitted that it would be just and proper to direct the res. no. 2 to consider the case of the applicant and take appropriate decision on merit for appointment on the post of Police Patil of village Aasadi, Tq. Sillod, Dist. Aurangabad.

4. On perusal of order dated 17.10.2017, it reveals that the res. no. 2 has cancelled the appointment of res. no. 3 and therefore, prayer clause (B) of the present O.A. has been satisfied. By prayer clause (C) the applicant has prayed to direct the res. no. 2 to issue appointment order in favour of the applicant on the post of Police Patil of village Aasadi, Tq. Sillod, Dist. Aurangabad, on cancellation of appointment of res. no. 3.

5. On perusal of documents of O.A., it reveals that, the res. no. 3 has secured highest marks i.e. 71 marks, while the applicant has secured 68 marks and, therefore, the applicant stood second in the order of merit. Since the appointment of res. no. 3 has been cancelled by the res. no. 2 by the order dated 17.10.2017, it would be just and proper to direct the res. no. 2 to consider the claim of the applicant for appointment on the post of Police Patil of village Aasadi, Tq. Sillod, Dist. Aurangabad, on merit as per rules.

6. In view of discussion in foregoing paragraphs I pass the following order :-

ORDER

- (i) The present O.A. is disposed of with a direction to the res. no. 2 to consider the case of the applicant for appointment on the post of Police Patil of village Aasadi, Tq. Sillod, Dist. Aurangabad on merit as per rules.
- (ii) The said exercise shall be completed by the res. no. 2 within one month from the date of this order and the said decision shall be communicated to the applicant in writing.

There shall be no order as to costs.

MEMBER (J)