

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.1476 OF 2024

DISTRICT : KOLHAPUR

Smt. Maheshwari Mohanrav Patil,)
Age 27 years, R/at At Post – Mouje Tasgav,)
Hatkanangale, District Kolhapur)..Applicant

Versus

1. The State of Maharashtra,)
Through Additional Chief Secretary,)
Home Department, Mantralaya, Mumbai-32)
2. The Director General of Police, MS, Mumbai,)
Maharashtra Police Headquarter, S.B. Marg,)
Colaba, Mumbai 400001)
3. The Additional Director General of Police and)
Director, Maharashtra Police Academy (MPA),)
Trambak Road, Nashik 422007)..Respondents

Smt. Punam Mahajan – Advocate for the Applicant

Smt. Archana B.K. – Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula Bhatkar, Chairperson
Shri A.M. Kulkarni, Member (A)

RESERVED ON : 2nd December, 2024

PRONOUNCED ON: 17th December, 2024

PER : Shri A.M. Kulkarni, Member (A)

J U D G M E N T

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. The Applicant is aggrieved by the order dated 7.2.2024 passed by the Respondent No.3-The Additional Director General of Police & Director, Maharashtra Police Academy (MPA), Nashik rejecting the request of the applicant to extend the Police Sub-Inspector (PSI) training period and also the inaction of the Respondent No.2-The Director General of Police (DGP), MS, Mumbai in the form of non-issuance of orders/directions for sending the applicant to the PSI Training at MPA, Nashik on the pending representation of the applicant dated 7.3.2024 & 24.10.2024.

3. The applicant has sought relief in the form of quashing and setting aside the order dated 7.2.2024 of respondent no.3 and for directions to respondent no.2 to issue the appointment order of the applicant to the post of PSI, Group-B, Non-Gazetted and send the applicant for PSI training in Batch No.126 commencing from 23.12.2024.

4. By way of interim relief the applicant seeks directions to the respondents to keep one post of PSI, Group-B, Non-Gazetted vacant from Open Female Category and not to fill up the post of the applicant till the final decision of this OA.

5. The facts of the case are as follows:

(i) The MPSC has published the advertisement no.5/2020 for Maharashtra Subordinate Services Non-Gazetted Group-B Joint

Preliminary Examination-2020 dated 28.2.2020 and the examination was to be held on 4.9.2021.

(ii) The applicant appeared for preliminary, main examination & interview and was selected and recommended as PSI, Non-Gazetted Group-B in Open Female category in the list declared on 19.7.2023. Further the applicant came to be informed by the MPSC about this recommendation vide its letter dated 8.8.2023.

(iii) The Superintendent of Police (SP), Kolhapur, the district to which the applicant belongs, wrote on 2.11.2023 to the local medical college for carrying out medical examination of 30 candidates including the applicant.

(iv) The applicant presented herself for medical examination on 9.11.2023.

(v) Vide medical college letter dated 15.11.2023 to the SP, Kolhapur it was informed that the applicant suffers from "Moderate Myopia" and that she is referred to Referral Board at B.J. Medical College, Pune. This was communicated by the SP, Kolhapur to the applicant on 17.11.2023 directing her to approach the Referral Board, Pune.

(vi) The applicant appeared before the Referral Board on 23.11.2023 but was orally directed to remain present on 4.12.2023.

(vii) On 24.11.2023 the applicant reported for training but she was told to complete the process of medical examination in Referral Board.

(viii) The developments were informed by the applicant vide email dated 29.11.2023 to the Director, MPA, Nashik.

(ix) The applicant was informed through letter dated 5.12.2023 by the Referral Board to appear for medical examination on 6.12.2023.

Accordingly, she appeared before the medical board on 6.12.2023. She was advised to undergo Lasik Treatment. The applicant informed on 6.12.2023 itself in writing to the Board that she will take this treatment on her own. Further the applicant informed by email the above to the Director, MPA on the same day i.e. 6.12.2023. The applicant informed the Referral Board vide her letter dated 5.2.2024 that she has undertaken the treatment on 4.1.2024 and that she is following Doctor's instructions regarding rest etc. The same was communicated by the applicant to the Director, MPA vide email on 9.1.2024.

(x) The Referral Board informed her on 22.1.2024 to appear for Review Medical Examination on 24.1.2024 which the applicant did.

(xi) The Referral Board issued FIT certificate on 6.12.2023 and further declared her fit post Lasik Surgery on 24.1.2024 after the Review Medical Examination.

(xii) On 27.1.2024 the applicant informed respondent no.3-Director, MPA all these developments and requested for permission to undergo training for PSI 2021 Batch i.e. next batch. The respondent no.3-Director, MPA vide his letter dated 7.2.2024 denied the request of the applicant to grant such extension for the PSI training period. Meanwhile SP, Kolhapur received the FIT certificate from the Referral Board which he informed along with copy of certificate to Director, MPA vide letter dated 15.2.2024.

(xiii) The applicant requested the Director, MPA to allow her to join the training in the current batch itself vide her letter which was received by the MPA, Nashik on 19.2.2024.

(xiv) Vide letter dated 23.2.2024 addressed to the DGP, MS, Mumbai the Director, MPA informed about rejection of her application for extension of the PSI training period by order dated 7.2.2024. However, the Director also sought directions from the DGP whether the applicant should be

allowed to join training in the subsequent batch since the period of almost three months of training was over in the current batch No.124. Copy of this letter was marked to the applicant through SP, Kolhapur. The SP, Kolhapur was also requested to get clarification from the applicant about two different dates of medical examination viz. 6.12.2023 and 24.1.2024.

(xv) The DGP did not respond to this letter till the present OA came to be heard on 27.11.2024.

6. Meanwhile based on communication from Director, MPA the SP, Kolhapur sought clarification from the Referral Board, Pune about two dates of FIT certificate vide letter dated 28.2.2024. This was replied to by Referral Board on 6.3.2024 clarifying that out of two, the post-surgery date i.e. 24.1.2024 should be treated as final certificate date.

7. Vide her letter dated 7.3.2024 the applicant informed in detail the above developments to the DGP and requested for permission to join training either in the ongoing batch or in the next batch.

8. The applicant again wrote to DGP on 24.10.2024 with a request to allow her to join training with the next batch i.e. Batch No.126. This was received in the DGP office on the same itself.

9. Neither of the letters dated 24.10.2024 and 7.3.2024 has been responded to by the DGP office.

10. The training of the next batch which the applicant aspires to join (Batch No.126) is scheduled to commence from 23.12.2024.

11. As per order dated 29.11.2024 of this Tribunal an affidavit was filed by respondent no.3 and a short affidavit by respondent no.2. A copy of

letter written by Director, MPA to DGP dated 22.2.2024 was submitted along with the affidavit. The short affidavit was submitted by the DGP along with copies of (1) his letter dated 26.2.2024 to ACS (Home) i.e. Respondent No.1, requesting to provide replacement candidates for the 17 candidates including the applicant and 11 who did not wish to join training, 3 who had till then not presented themselves for training and 3 who had resigned after joining training and (2) letter dated 18.4.2024 from Respondent No.1 to Respondent No.2 with copies of MPSC letter and list of 17 replacement candidates.

12. Ld. Advocate for the applicant submitted that despite repeated efforts on the part of the applicant to join training she was not permitted. Also she was not informed about decision to disallow her to join training, if any. The applicant continued to have hopes as she received copy of letter dated 23.2.2024 written by Director MPA to DGP wherein the Director, MPA discussed specific case of the applicant and requested for guidance as to whether the applicant has to be admitted in the training in the next batch and attached the application submitted by the applicant to the Director. Besides, the applicant had on her own, sent two applications to the DGP dated 7.3.2024 and 24.10.2024 both of which remained without any reply from the office of DGP, keeping her hope alive.

13. Ld. Advocate for the applicant further submitted that the applicant herself has made repeated written representations to the Director, MPA and kept him informed of the status of her illness viz. Moderate Myopia, surgery performed on her eye etc. She has also offered to join training immediately on 19.2.2024 when she was refused extension vide Director's letter dated 7.2.2024.

14. Given the above situation to undo the grave injustice and prejudice done to the applicant, the Ld. Advocate for the applicant prayed for

quashing and setting aside the order dated 7.2.2024 of respondent no.3-Director, MPA and sought direction to respondent no.2-DGP to issue the appointment order of the applicant to the post of PSI, Group-B Non-Gazetted and send the applicant for PSI training in Batch No.126 which commences from 23.12.2024.

15. Ld. PO on instructions from Shri Yogesh Kute, Section Officer states that letter dated 23.2.2024 from Director, Maharashtra Police Academy (MPA), Nashik was received by the office of DGP on 26.2.2024. Earlier letter dated 22.2.2024 was received from MPA by the office of DGP on 22.2.2024 itself. In the letter dated 22.2.2024 MPA, Nashik has pointed out to DGP that present applicant and other 30 candidates did not join the training and has further requested that 17 out of 31 PSI should be replaced by substituting other candidates from the waiting list. DGP has submitted the report accordingly to the Home Department on 26.2.2024. Thereafter on 18.4.2024 Government informed the office of DGP and recommended the names of 17 candidates against 17. The name of the applicant was included in the list of those to be replaced and one female from Open Female category Ms. Shaikh Uzma Salim was informed by the State as her replacement. Thereafter the process of collection of documents verification etc. was carried out by the office of DGP and now said Uzma is instructed to join batch No.126 on 23.12.2024 in place of the applicant.

16. We have heard and considered the submissions of both the sides. On our directions given by order dated 29.11.2024 the DGP and the Director, MPA submitted their affidavits along with copy of Director's letter to DGP dated 22.2.2024. It came to our notice that the Director requested the DGP by letter dated 22.2.2024 to refer the matter to the Government about the candidates who have not joined the training in time including the applicant to cancel their selection. The Director vide his letter dated

23.2.2024 to the DGP however asked the guidance of the DGP in case of the applicant as to whether she should be allowed to join the training with the next batch. Incidentally, copy of letter dated 22.2.2024 was not marked to the applicant but letter dated 23.2.2024 was marked to the applicant.

17. On the basis of letter dated 22.2.2024 of the Director, MPA the DGP office wrote to the Government for replacement of 17 candidates who did not join the training in time and had no valid reason for doing so. The State Government vide letter dated 18.4.2024 received by DGP office on 26.6.2024 approved list of 17 replacement candidates. Based on this letter the DGP office commenced further action like collection of documents and medical verification etc. of the replaced candidates with written instructions to join the training on 23.12.2024. The DGP's short affidavit dated 2.2.2024 vide para 5 submits that in place of the applicant who was selected from Open Female Category and whose selection has been cancelled, a new candidate viz. Ms. Shaikh Uzma Salim has been selected. Therefore, the applicant cannot now be sent for training at all. The affidavit further submits that DGP office did not process the letter of Director dated 23.2.2024 as it received the letter dated 22.2.2024 from the Director requesting cancellation of selection of the applicant.

18. The DGP vide his letter dated 27.11.2024 (way after proceedings in this Tribunal started) replied to the Director's letter dated 23.2.2024 wherein the Director was asked to take decision at his level since he was the competent authority. Copy of this letter by the DGP to Director, MPA's letter has however, not been marked to the applicant.

19. It may be noted that youth in the State spend considerable time, energy and resources in preparing for competitive examinations and get selected after overcoming stiff competition. Lakhs of youth appear for this

examination of which few hundred are selected each year. Naturally, each such youth pins high hope on the Government job offered through such competitive examinations. The total time taken in the whole process to come to a logical end is huge as can be seen from the instant case. The process started with the advertisement of MPSC dated 28.2.2020 and today it is almost end of 2024. The applicant has spent so much time in succeeding in the competitive examination and thereafter waiting to join the training. Meanwhile as advised by the Medical Board the applicant has also undergone the surgery with the fond hope that she will be able to join the training.

20. It is noticed that both the Director General of Police and Director, Maharashtra Police Academy have failed in responding to the repeated request and communication of the applicant. Moreover, the Director, Maharashtra Police Academy by marking a copy of letter dated 23.2.2024 to the applicant kept her hope alive. There is minimum expectation from any government office/authority that the communications from the members of the public in general and candidates desirous of taking up a government job in particular, are replied to in time. However, in the instant case there is apparent failure to respond to the applicant's requests/communications by the above two authorities.

21. In view of the above, the Respondents are directed to accommodate the Applicant in the fresh Batch No.126 commencing from 23.12.2024. With these directions the OA is disposed off. No order as to costs.

Sd/-

(A.M. Kulkarni)
Member (A)
17.12.2024

Sd/-

(Mridula Bhatkar, J.)
Chairperson
17.12.2024

Dictation taken by: S.G. Jawalkar.

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