

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.1580 OF 2024

DISTRICT : PUNE

Shri Omkar Ravindra Manjare,)
Age 32 years, R/at At Post Kudje,)
Taluka Haveli, District Pune 411023)..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)
4. The Commissioner of Police,)
Sadhu Vaswani Chowk, Church Path,)
Agarkar Nagar, Pune 411001)..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)
DATE : 18th 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 23.2.2024 passed by the Respondent No.3-The Additional Director General of Police & Director, Maharashtra Police Academy (MPA), Nashik refusing therein permission to the applicant to join Police Sub-Inspector (PSI) training in the Batch No.124 due to lapse of considerable period from commencement of training.
3. The applicant has sought relief in the form of quashing and setting aside the order dated 23.2.2024 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 EWS 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) MPSC has published 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 EWS category in the list declared on 28.12.2023. Further the applicant came to be formally informed by the MPSC about this recommendation vide its letter dated 1.1.2024.
- (iii) The Commissioner of Police, Pune City, the district to which the applicant belongs, wrote on 12.1.2024 to the B.J. Medical college for carrying out medical examination of candidates including the applicant.
- (iv) The applicant presented himself for medical examination on 15.1.2024.
- (v) The applicant came to be referred to Referral Board in view of Refractive Error in his eyes on the same day and was advised to carry out Lasik Surgery. Accordingly, applicant carried out Laser Vision Correction with Advance Surface Ablation treatment in both eyes on 25.1.2024 at Medilaser, Pune.
- (vi) As mandated the applicant again appeared for medical examination before the Board of Referees, Sassoon Hospital, Pune after the surgery on 13.2.2024. He was declared 'FIT' for the post of PSI (post lasik surgery) on 13.2.2024 and applicant was issued certificate on 13.2.2024. Further the applicant was examined for employment by the Sassoon General Hospital, Pune and issued the certificate (fit for duty for PSI post) on 16.2.2024.

(vii) Meanwhile vide email dated 2.2.2024, the applicant while informing to the Director, MPA, Nashik about these developments, requested for permitting him to join PSI training immediately after the medical board issues clearance.

(viii) Vide email dated 17.2.2024 to Director, MPA, Nashik the applicant sought permission to join the PSI training.

(ix) Meanwhile, the office of Commissioner of Police, Pune sent a letter to Director, MPA, Nashik dated 20.2.2024 along with character verification certificate, medical examination report of civil surgeon, etc. relating to the applicant.

(x) Ld. Advocate for the applicant submitted that the applicant presented himself at MPA, Nashik immediately on 22.2.2024 after the holidays of 17th, 18th & 19th February, 2024. However, the authorities of MPA failed to inform the applicant their refusal to allow him to join the training or otherwise. Further the applicant was not also counseled or advised about submitting a written application addressed to the Director, MPA, Nashik clarifying the reasons for delay and seeking permission to join training in the ongoing batch. The applicant was not allowed to join training.

(xi) The applicant sent another application to the Director General of Police (DGP) on 8.4.2024 explaining the reasons for delay and requested for accommodating him in the next batch. This letter remained unanswered.

(xii) Vide his subsequent letter dated 24.10.2024 the applicant again requested DGP, MS, to allow him to join the training in the next batch (Batch No.126). This letter also remained unanswered .

6. Training of the next batch in which the applicant aspires to join (Batch No.126) is scheduled to commence from 23.12.2024. In similar set of facts and circumstances of the case in OA No.1476/2024 (Smt. Maheshwari Mohanrav Patil Vs. The State of Maharashtra & Ors.) this Tribunal by its judgment and order dated 17.12.2024 has directed the respondents to accommodate the applicant in the fresh Batch No.126 commencing from 23.12.2024.

7. Ld. Advocate for the applicant pointed out that the impugned order dated 23.2.2024 from the Director, MPA, Nashik to DGP in its last para asked guidance from the DGP as to what to do regarding instant applicant, whether to admit him for training in the next batch or not. Copy of this letter has been marked to the applicant, which has led to the applicant believing that his case is open for consideration to join training in the next batch.

8. It has to be borne in mind by the authorities 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 he will be able to join the training.

9. It is noticed that both the Director General of Police and Director, Maharashtra Police Academy have failed in responding to the repeated requests and communications from the applicant. Moreover, the Director, Maharashtra Police Academy by marking a copy of letter dated 23.2.2024 to the applicant, kept his hope alive. The minimum that can be expected from any government office/authority is 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.

10. 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)
18.12.2024

Sd/-

(Mridula Bhatkar, J.)
Chairperson
18.12.2024

Dictation taken by: S.G. Jawalkar.

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