

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO. 210 OF 2016

DIST. : AURANGABAD.

01. Shri Ganesh Vasantao Holkar
Age : 29 years, Occu. Agril.,
R/o : Mamanapur, Tq. Khultabad,
Dist. Aurangabad.

02. Shri Krishna Laxman Holkar
Age : 26 years, Occu. Agril.,
R/o : Mamanapur, Tq. Khultabad,
Dist. Aurangabad.

--- APPLICANTS.

V E R S U S

01. The Collector,
Collector Office, Aurangabad.

02. The Sub-Divisional Magistrate,
Kannad Cum President of Selection
Committee of Police Patil-2015

03. Navanath S/o Prabhakar Holkar
Age : 25 years, Occu. Agril.,
R/o : Mamanapur, Tq. Khultabad,
Dist. Aurangabad.

-- RESPONDENTS.

APPEARANCE :- Shri V.B. Wagh, learned Advocate
for the Applicants.

: Shri I.S. Thorat, learned Presenting
Officer for the Respondent Nos. 1 &
2.

: Shri R.B. Singare Patil, learned
Advocate for respondent No. 3.

CORAM : HON'BLE SHRI J.D. KULKARNI,
MEMBER (J)

J U D G E M E N T
[Delivered on 10th October, 2016]

The Applicants viz. S/Shri Ganesh Vasantrao Holkar & Krishna Laxman Holkar, have challenged the selection process pursuant to the advertisement No. 01/2016 dated 25.01.2016 issued by the respondent No. 2, the Sub Divisional Magistrate, Kannad Cum President of Selection Committee of Police Patil-2015. The said process is for the post of Police Patil of village Mamanapur, Taluka Khultabad, District Aurangabad. The applicant has claimed that the said selection process be quashed and set aside.

2. From the admitted fact, it seems that the Applicants, as well as, respondent No. 3 viz. Navanath S/o Prabhakar Holkar, participated in the process of selection for the post of Police Patil. It is stated that the Applicant Nos. 1 & 2 have secured 62 marks; whereas respondent No. 3 has secured 61 marks. The interview was taken on

29.02.2016. According to the Applicants their interview was taken for one minute only and Applicant No. 1 has secured 07 marks and Applicant No. 2 has secured 10 marks; but respondent No. 3 was given 13 marks out of 20. The said allotment of marks is not proper and with a bias and prejudicial mind. The respondents wanted to select respondent No. 3 at any cost. Respondent No. 2 has acted under political pressure and, therefore, the applicants were not selected. Applicants are claiming details as regards marks allotted to Respondent No. 3 and submit that selection of respondent No. 3 is illegal.

3. Respondent No. 2 resisted the application by filing affidavit in reply and submitted that Respondent No. 3 was selected on merits as he has secured 72 marks. The allegations of malice and political pressure are denied. It is stated that the Applicants have filed application under Right to Information Act and information was given to him as per letter dated 16.3.2016 as sought by the Applicants. Since the Applicants have participated in the process of selection, they cannot challenge the same.

4. Private Respondent No. 3 has also filed affidavit in reply and submitted that he has been selected on merits.

5. The only material point is whether both the Applicants have locus standi to challenge the process of selection, and if, yes, whether the selection process is illegal?

6. Heard Shri V.B. Wagh – learned Advocate for the applicants, Shri I.S. Thorat – learned Presenting Officer for respondent Nos. 1 & 2 and Shri R.B. Singare Patil, learned Advocate for respondent No. 3. I have also perused the application submitted by the applicant, affidavit, affidavit in reply filed by the respondents so also various documents placed on record by the respective parties.

7. It is material to note that the only objection raised by the Applicants is that they have obtained 62 marks in the written test; whereas respondent No. 3 has obtained 61 marks, but in the oral interview respondent No. 3 was favoured. Except mere allegations, the Applicants could

not place on record any evidence to show that there was malice against them.

It seems that the Applicants have wrongly mentioned marks obtained by Respondent No. 3 in the synopsis and in the pleadings. In the synopsis it is stated that the Respondent No. 3 has secured 61 marks; whereas in the pleadings in paragraph No. 4, it is stated that Respondent No. 3 has secured 63 marks in the written test. It is however, admitted fact that Respondent No. 3 has obtained 74 marks including written and oral test and that those marks are definitely on the higher side than that of both the Applicants. This Tribunal cannot go into the merits as to why the Competent Authority has given more marks to Respondent No. 3 in oral interview than that of both the Applicants. The Respondent No. 2 has stated in the affidavit in reply that the Committee allotted marks to the various candidates on merits as per their performance and there is no reason to doubt the act of the Committee.

8. It is material to note that the Applicants have participated in the process of selection and merely because Respondent No. 3 got more marks, they cannot claim that the total selection process is illegal. All the allegations made by the Applicants in application and rejoinder affidavit are vague in nature and there is no supporting evidence for such allegations. It seems that the Applicants have been aggrieved by selection of Respondent No. 3 on merits and, therefore, they must be making allegations without any legal base.

9. Respondent No. 2 has stated in its affidavit that the marks were given considering the performance of the candidates and I do not find any illegality in the marks given by the respondent authorities to the various candidates. Hence, I pass the following order: -

ORDER

(i) The present Original Application stands dismissed with costs of Rs. 1,000/- (Rs. one thousand only).

(ii) The payment of costs of Rs. 1,000/- be remitted to the M.A.T. Bar Association.

(iii) It is made clear that the certified copy shall not be issued to the applicant, if costs of Rs. 1,000/- is not deposited with the M.A.T. Bar Association.

MEMBER (J)

O.A.NO. 210-2016(hdd)-2016