

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 150/2019(D.B.)**

Manish S/o Keshkumar Singh,
Aged 24 years, Occ.: Nil, R/o Plot No.144,
Sainagar, MIDC, Hingna Road, Nagpur.

Applicant.

Versus

1. The State of Maharashtra,
Through its Additional Chief Secretary,
Home Department,
Mantralaya, Mumbai.
2. Inspector General of Police,
Having its office at Hingna Road,
Nagpur. SRP Group No.4.

Respondents.

Shri S.P.Palshikar, Ld. Counsel for the applicant.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkarn, Vice Chairman &
Hon'ble Shri Nitin Gadre, Member (A).

Dated: - 18th September, 2024.

JUDGMENT

Heard Shri S.P.Palshikar, learned counsel for the
applicant and Shri V.A.Kulkarni, learned P.O. for the respondents.

2. The case of the applicant in short is as under.

The applicant is son of Police Personnel. The father of applicant was in Police service. As per the advertisement dated 05.02.2018, the respondents have published advertisement for recruitment of Police Constable. As per this advertisement, one post was reserved for Police Child Personnel. The applicant applied for the said post. The name of applicant is not shown in the waiting list (open category). Thereafter, the respondents have issued another provisional list of SC category, but name of applicant is also not appeared in the said list. The respondents have issued another advertisement dated 27.03.2018. The respondents have not appointed the applicant on the post reserved for Police child. Hence, the applicant has approached to this Tribunal by filing the present O.A. for the following reliefs-

1) call for the entire record in pursuance of the order dated 5.2.2018 and after perusal of the same further be pleased to issue necessary direction to respondent no.2 to consider the case of the applicant and issue appointment order in his favour from Palak Police Dalatil open category at Gat No.4 Hingna, Nagpur;

2) further be pleased to direct the respondent no.2 that after issuing appointment order in favour of the applicant grant him deem date of appointment in June/July 2019 when other candidates were selected and appointed as a Police Shipai;

3) grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

3. The respondents have filed reply. It is submitted that the respondents have issued another advertisement dated 27.03.2018. Therefore, first advertisement has no effect and it cannot be implemented. Hence, the O.A. is liable to be dismissed.

4. During the course of submission, the learned counsel for the applicant has pointed out relevant documents. The learned P.O. has submitted that advertisement dated 28.02.2018 over rides the earlier advertisement, therefore applicant cannot claim that he should be selected as per advertisement dated 05.02.2018. Hence, the O.A. is liable to be dismissed.

5. Nothing is on record to show, what is the present position. The recruitment process must have been completed. Applicant is claiming for the post of reserved category of Police child as per advertisement dated 05.02.2018. Merit list is also not filed on record. One of the candidates is also shown to be selected provisionally. After the advertisement dated 05.02.2018, another advertisement was issued on 27.03.2018. Therefore, the effect of advertisement dated 05.02.2018 cannot be given. Hence, we do not

find any merits in this O.A.. Therefore, we proceed to pass the following order-

ORDER

The O.A. is dismissed with no order as to costs.

(Nitin Gadre)
Member(A)

(Justice M.G.Giratkar)
Vice Chairman

Dated – 18/09/2024.
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde.
Court Name : Court of Hon'ble Vice Chairman
& Hon'ble Member (A).
Judgment signed on : 18/09/2024.
and pronounced on
