

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2168 OF 2015.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.V.B.Wagh, advocate for the petitioner
 Mr.K.G.Patil, Addl. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
 V.K.JADHAV, JJ.**

Date : 21.07.2015.

PER COURT :

1. Heard.

2. Mr.Wagh, learned counsel for the petitioner submits that it is not a case that petitioner is not eligible. The petitioner is resident of village Ambulga, Tq. Kandhar. The petitioner was selected for the post of Police Patil. However, only on the ground that petitioner has annexed 7/12 extract of Gat No.288 i.e. the ancestral property of the petitioner which was sold in the year 2005, the Tribunal has rejected the application of the present petitioner, so also the Respondents had cancelled the appointment of the petitioner as Police Patil. Learned counsel submits that possessing immovable property in the same village is not requirement to be appointed to the post of Police Patil. According to the learned

counsel, the petitioner has already agreed to purchase land Gat No.280 vide agreement dated 2.3.2011. The proclamation inviting applications for the post of Police Patil is dated 18.4.2011. The petitioner has also purchased immovable property on 7.5.2012. It was only to show that the petitioner was earlier possessing ancestral property, the said 7/12 extract of Gat No.288 is annexed. However, the authorities and the Tribunal failed to consider the said aspect. It was never the intention of the petitioner to mislead the authorities and when the same was not an essential criteria for appointment of a Police Patil.

3. Learned Asstt. Govt. Pleader submits that on account of false information being given, the action has been rightly taken. The Tribunal has also considered the said aspect in its correct perspective.

4. We have considered the submissions. The Tribunal has observed that even in a reply to the show cause notice, the present petitioner reiterated the fact that Gat No.288 is his ancestral land and is being cultivated by him. The same 7/12 extract is submitted along with his reply. The Inquiry report along with Panchanama and the report of Tahsildar was considered to show that the said land was not possessed by the petitioner.

5. Considering the above, the order of the Tribunal needs no interference. The Respondents are free to issue fresh proclamation

inviting applications for the post of Police Patil. Till the selection of new Police Patil, the petitioner is allowed to continue in the said post.

6. The Writ Petition is disposed of. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.21.07.2015.
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