

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4887 OF 2016

TANAJI TULSHIRAM KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Bora Satyajit S.
AGP for Respondents 1 to 3 : Shri Basarkar A.P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 28, 2016
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PER COURT :-

1. The petitioner is aggrieved by the decision of respondent No.3 in placing respondent No.4 at Sr. No.1 in the select list for appointment as a Police Patil for village Gojore, Taluka Bhusawal, District Jalgaon. The petitioner is also aggrieved that respondent No.3 is proceeding to issue an appointment order to respondent No.4, despite the Complaint dated 12.4.2016, filed before respondent No.3 by the petitioner along with other villagers, is still undecided.

2. The petitioner submits that by the proclamation dated 2.11.2015, online applications were invited for appointment of Police Patils for several villages. The petitioner and respondent No.4 applied in relation to village Gojore. The terms and conditions of appointment specifically indicate at Clause 6 that he should not be connected with any political party and shall file an affidavit on Rs.100/- stamp paper indicating that he is not connected to any political party.

3. Shri Bora, learned Advocate for the petitioner submits that the official website of the Bhartiya Janata Party indicates that the fourth respondent has been enlisted as its member. The copy of the screen shot of the said website placed on record indicates the membership number of respondent No.4. Pursuant to the said information obtained by the petitioner, a complaint dated 12.4.2016 was lodged with respondent No.3 along with several other villagers raising a grievance that respondent No.4 deserves to be disqualified for being connected with a political party and for filing a false affidavit. Without deciding the said complaint, respondent No.3 is proceeding to issue the appointment order to respondent No.2.

4. The learned AGP appearing on behalf of respondent Nos.1 to 3 submits that the petitioner has an alternate remedy before the third respondent. So also, he can approach the Maharashtra Administrative Tribunal. The pending application before respondent No.3 can be decided expeditiously.

5. The learned AGP points out that in similar circumstances, this Court has passed an order on 16.4.2016 in Writ Petition no.4429 of 2016 filed by Shri Bharat Pandurang Patil. He, therefore, contends that this Court had granted leave to the said petitioner to avail of the alternate remedy and has restrained the authorities from issuing the order of Police Patil for the concerned village.

6. In the light of the above, it would be inappropriate for this Court to make any observation on the documents produced by the petitioner contending that respondent No.4 is a Member of the Bhartiya Janata Party. It would be in the interest of justice that respondent No.3 decides the complaint lodged by the petitioner dated 12.4.2016, after hearing all the litigating sides including respondent No.4 and pursuant to the said decision would proceed to appoint a Police Patil for village Gojore.

7. In the light of the above, this petition is disposed off with a direction to respondent No.3 to decide the complaint of the petitioner dated 12.4.2016 after hearing all the litigating sides as expeditiously as possible. Until the decision of respondent No.3 on the said complaint, the respondents / State authorities shall not issue an order of appointment to the post of Police Patil for the village Gojore Tq. Bhusawal, District Jalgaon.

8. Needless to state, all the litigating sides are at liberty to rely upon their documents before respondent No.3 in relation to the complaint dated 12.4.2016, filed by the petitioner.

(RAVINDRA V. GHUGE, J.)

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