

dss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2660 OF 2014

Mallappa S. Aatawadkar ... Petitioner
Vs.
The State of Maharashtra and ors. ... Respondents

Mr. C.T. Chandratre for the Petitioner.
Mr. V.B. Thadani, AGP for State-Respondent No.1.
Mr. G.N. Salunke a/w. Umesh Kurund i/b Vijay Kokitkar for
Respondent No.4.

CORAM : V. M. KANADE, AND
M. S. SONAK, JJ.

DATE : JULY 18, 2016

P. C.

1] The challenge in this petition is to the judgment and order dated 10/2/2014 made by the Maharashtra Administrative Tribunal (MAT), Mumbai, quashing the petitioner's appointment as Police Patil of the village Koulge, Kolhapur and appointing respondent No.4, in his place.

2] Mr. C.T. Chandratre, learned counsel for the petitioner, has submitted that respondent No.4 did not fulfill the eligibility criteria as prescribed under the Rules for appointment of post of Police

Patil. He submitted that the respondent No.4 was not a resident of Koulge and in any case, the record of respondent No.4, was by no means above board. The family members of respondent No.4 were involved in criminal cases and the decision to appoint the petitioner, instead of respondent No.4, was unjustifiably interfered with by the MAT. For all these reasons, learned counsel for the petitioner submitted that the impugned order warrants interference.

3] Mr. G. N. Salunke, learned counsel for respondent No.4, has submitted that the respondent No.4 had been adjudged as the most meritorious candidate in the selection process. Based upon some anonymous complaints and without verification of the true and correct position, the respondent No.4 was sidelined and the petitioner came to be appointed as Police Patil of Koulge. The MAT, upon detailed examination of the record and the circumstances has redressed the injustice which the respondent No.4 had to unnecessarily suffer. Accordingly, Mr. Salunke submitted that the impugned order warrants no interference at all.

4] Mr. Salunke also submitted that the petitioner has been even otherwise been disqualified by the order dated 31 March 2016 made by the Sub-Divisional Officer (SDO), Gadhinglaj from holding the post of Police Patil, on account of the birth of a third child. Mr. Salunke submitted that since such disqualification is presently in

operation, the petition as instituted by the disqualified petitioner, may not be entertained.

5] We have perused the record and the impugned judgment and order made by the MAT. The MAT, upon detailed consideration of the record has held that there was no basis to deny the respondent No.4's appointment to the post of Police Patil. There is neither any jurisdictional error nor any perversity and the record of this finding of fact.

6] On the aspect of residence, the record indicates that such requirement was at least substantially complied with by the respondent No.4. Based upon certificate by an authority, which had no jurisdiction to issue the same, the respondent No.4 was denied appointment to the post of Police Patil. The record indicates that in the selection process, it is the respondent No.4 who was adjudged as the most meritorious candidate. The Selection Committee had also satisfied itself as to the eligibility of respondent No.4. In such circumstances, there was really no justification in non-suiting the respondent No.4. The complaints made against respondent No.4 were in the names of some fictitious entities or in any case in the names of persons, who have ultimately disclaimed having ever made the complaints. In any case, the complaints relate to some proceedings initiated against the relatives of the respondent No.4. The MAT has rightly held that on the basis of

such unsubstantiated complaints, the selection of respondent No.4, who was adjudged as most meritorious, should not have been disturbed.

7] Besides, there is no dispute that at least as of now, the petitioner stands disqualified from holding the post of Police Patil, on account of order dated 31 March 2016 made by the SDO. For all the aforesaid reasons, we see no reason to entertain the present petition. This petition is therefore, dismissed.

8] There shall however, be no order as to costs.

[M. S. SONAK, J.]

[V. M. KANADE, J.]