

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2243/2016

Mrs. Seema w/o Pandurangji Borghate

...Versus...

State of Maharashtra, through its Secretary, Revenue & Forest Department,
Mantralaya, Mumbai – 400 032 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Y.R. Kinkhede, Adv. h/f Shri H.D. Dangre, Adv. for petitioner
Mrs. K.R. Deshpande, AGP for respondent nos.1 and 2

CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : 12.04.2016

By this writ petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal dismissing the original application filed by the petitioner.

In pursuance of a proclamation issued by the Sub-Divisional Officer for appointment of Police Patil for village Chenkapur, the petitioner had applied along with other candidates. According to the petitioner, the procedure was not followed by the Sub-Divisional Officer in accordance with law. The petitioner, therefore, filed an original application with a prayer to set aside the procedure conducted by the respondents for filling up the post of Police Patil. The original application filed by the petitioner was rejected by the Maharashtra Administrative Tribunal.

On hearing the learned Counsel for the parties, we do not find any reason to interfere with the impugned order. The Tribunal rightly held that the petitioner had approached the Tribunal only because two candidates, namely, Smt. Dhoke and Smt. Kasurve had secured higher marks than the petitioner in the written examination. The petitioner had approached the Tribunal even before the selection list was published. It was not the case of the petitioner that the two aforesaid candidates were selected for the post of Police Patil. In this background, the Tribunal found that the original application was premature and the petitioner could not have challenged the procedure on the ground that Smt. Dhoke was not the resident of Maharashtra and Smt. Kasurve was less qualified than the petitioner. The Tribunal held and rightly so that the aforesaid candidates were not selected to the post of Police Patil and therefore, there was no necessity to consider the allegations made by the petitioner in respect of the selection procedure.

In our view, the original application was premature and the petitioner could not have filed the same unless some candidates were selected for the post of Police Patil.

Since the order of the Tribunal is just and proper, we dismiss the writ petition with no order as to costs. The points raised in the petition are, however, kept open.

JUDGE

JUDGE