

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

**WRIT PETITION NO. 2644/2016**

Manoj Rajeram Salame ..vs.. State of Maharashtra through its Secretary, Home  
Department, Mumbai and others

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

Court's or Judge's orders

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Shri H. N. Potbhare, Advocate for petitioner.  
Shri S. M. Ukey, Assistant Government Pleader for respondent no.1.  
Shri H. D. Futane, Advocate for respondent no.3.

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

**DATE : MAY 6, 2016**

By this writ petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, dated 10.03.2016 dismissing the original application filed by the petitioner.

The petitioner as well as the respondent no.3 had applied for the said post along with others. The candidature of the petitioner was rejected as the petitioner had secured less than the qualifying marks that is less than 45% marks. The respondent no.3 was appointed on the post of Police Patil after conducting the written test and the interview. Before the Maharashtra Administrative Tribunal, it was the case of the petitioner that the respondent no.3 was not a resident of Mangona and, therefore, he should not have been appointed. The Original Application filed by the petitioner was dismissed by the Tribunal.

On hearing the learned counsel for the parties and on perusal of the order of the Tribunal, we find that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. Though, it was the case of the petitioner that the respondent no. 3 was not a permanent resident of Mangona, the Tribunal has recorded a finding of fact on the basis of the material on record including the report of the Sub Divisional Magistrate, Morshi, that the respondent no.3 was a resident of Mangona. The Tribunal further held that the petitioner could not have effectively challenged the appointment of the respondent no.3 on the post of Police Patil when the petitioner was not even called for the interview as he had secured less than the qualifying marks, that is 45% marks. Since, there was no merit in the case of the petitioner that the respondent was not a resident of Mangona, it appears that the Original Application of the petitioner was rightly dismissed.

Since the order of the Tribunal is just and proper, the writ petition is dismissed with no order as to costs.

**JUDGE**

**JUDGE**