

BENCH AT AURANGABAD.

WRIT PETITION NO.987 OF 2016

Vinayak Bhausahab Gade ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

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Mr.K.B.Borde, advocate for the petitioner.
Miss. R.P.Gaur, A.G.P. for the State.
Mr.N.B.Narwade, advocate for Respondent No.3.

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**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

Date : 17.04.2017.

PER COURT :

1. Heard.

2. Mr. Borde, learned counsel for the petitioner submits that the advertisement was issued on 14.12.2011, inviting applications for the post of Police Patil. The Respondent No.3

was appointed as Police Patil. The petitioner challenged the appointment of Police Patil by filing Original Application before Maharashtra Administrative Tribunal. The same is rejected. According to the learned counsel, the Respondent No.3 on the date of issuance of appointment order had crossed 45 years of age, as such was ineligible to be appointed as Police Patil. Learned counsel refers to clause 3 i.e. the order of the Maharashtra Village Police Act, 1967. According to the learned counsel, the Respondent No.3 on 21.10.2015 had crossed 45 years of age, as such was ineligible. The learned counsel relies on the judgment of the Division Bench of this Court in the case of **"Liladhar Wamanrao Jichakar Vs. Shamrao Domaji Dongre and others"** reported in **1975 Mh.L.J.552**. The learned counsel further submits that the select list is operative for one year only. The selection list was published on 4.2.2013 and the appointment order in favour of Respondent No.3 is issued on 21.10.2015. The learned counsel submits that the GR dated 26.8.2010 lays down that oral interviews are not to be conducted and only on the basis of

written examination, the selection has to be made. In the present case, the oral interviews were conducted and marks awarded for oral interview.

3. We have heard Mr.Narwade, learned counsel and learned A.G.P. for the Respondents.

4. As per the advertisement, the last date for filing application is 2.1.2012. It is not disputed by any of the parties that on the date of application, the Respondent No.3 was 42 years of age. The maximum age prescribed for appointment to the post of Police Patil is 45 years. As on the date of application, the petitioner was well within the age limit prescribed. Even the advertisement lays down the maximum age to be 45 years. When no date in the advertisement is prescribed as last date to be taken into consideration for computing the age, it is the last date prescribed for filing the application as per the advertisement. As such the Respondent No.3 was well within the maximum age limit as on the last date of filing the

application. It would also be seen that the select list was stayed for a period of two months. The Respondent had completed 45 years in September 2015 and is appointed in October 2015. Even if the period of stay is excluded, the petitioner would get the benefit of the same.

5. As far as contention of the learned counsel for the petitioner that oral interviews ought not to have been conducted, the same would not be available to the petitioner as pursuant to the same selection process, the petitioner had participated and now after being unsuccessful can not turn around and contend otherwise.

6. The Respondent No.3 is issued appointment order pursuant to the selection process conducted under advertisement dated 14.12.2011. As such the said select list can not be said to be invalid.

7. In light of the above, no error has been committed by the Tribunal in passing the impugned order. The Writ Petition is disposed

of. No costs.

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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