

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
BENCH AT AURANGABAD.**

**WRIT PETITION NO. 8308 OF 2017**

Bharat Pandurang Patil

... Petitioner

**VERSUS**

State of Maharashtra & Ors.

... Respondents

.....  
Mr Satyajit Bora, Advocate for the petitioner  
Mr P. S. Patil, AGP for respondent/State  
Mr S. Nagori, Advocate for respondent No. 4  
.....

**CORAM : S. V. GANGAPURWALA &  
A. M. DHAVAL, JJ.**

**DATE : 05<sup>TH</sup> MARCH, 2018.**

**ORDER:**

1. The petitioner assails the order of the Maharashtra Administrative Tribunal rejecting the original application.

2. Mr Bora, the learned counsel for the petitioner submits that, the respondent No. 4 was a Member of the Bhartiya Janta Party. After the advertisement was issued for filling in the post of Police Patil, the respondent No.4 resigned on 15.11.2015 and on the next day i.e. 16.11.2015, filled in the application for the post of Police Patil. The learned counsel submits that, the very purpose of the

condition that the person should not be a member of any political party or should not have any connection with the political party stands frustrated if the candidature of respondent No. 4 is considered. Only for the purpose of filing the application, the respondent No. 4 has shown that he has severed his ties with the political party. This aspect has not been considered by the Tribunal in its proper perspective.

3. Mr Nagori, the learned counsel for respondent No. 4 and learned Assistant Government Pleader for State support the order passed by the Tribunal.

4. The advertisement states that, the eligibility of the petitioner would be considered on the date of the application, more particularly, in clause 4 of the advertisement.

5. On the date of filing the application, the respondent No.4 had resigned as a Member of Political Party thereby severing his ties with the political party. There is nothing on record to show that, even after severing his ties with the political party, the respondent No. 4 was engaged in a political activity or with the political party. As on the date of filing of the application, the respondent No. 4 had

already resigned as a member of the political party. The rules do not suggest even earlier to filing of the application, if the respondent No. 4 was a member of a political party then he should not be considered. The same is not the requirement.

6. Considering the aforesaid aspects of the matter, no error is committed by the Tribunal in passing the order. The writ petition is dismissed. No costs.

**[ A. M. DHAVAL ]**  
**JUDGE**

**[ S. V. GANGAPURWALA ]**  
**JUDGE**

Punde