

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

WRIT PETITION NO. 10173 OF 2018

Pandurang Prabhakar Hiwale

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. D.A. Bide, Advocate for petitioner.

Mrs. M.A. Deshpande, A.G.P. for respondent nos. 1 and 2.

Mr. P.S. Dighe, Advocate for respondent no.3.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 16th OCTOBER, 2018

ORDER :

1. The petitioner has filed revision application before the Maharashtra Administrative Tribunal assailing invalidation of his candidature for the post of Police Patil. The Tribunal disposed of the revision petition. Aggrieved thereby, the petitioner has filed this petition.

2. Mr. Bide, learned Counsel for the petitioner submits that the daughter of the petitioner viz. Vishakha Pandurang Hiwle was given in adoption to the cousin brother of the petitioner when Vishakha was of two years of age. As Vishakha was already given in adoption, the Gram

Panchayat has not recorded the birth of Vishakha. The certificate to that effect has been issued by the Gram Sevak and the Sarpanch of the Gram Panchayat on 30th March, 2016. The learned Counsel submits that the deed of adoption also specifically states that Vishakha was given in adoption when she was of two years of age. In 2016, Vishakha was 14 years of age. On the date when the petitioner applied for the post of Police Patil pursuant to the advertisement issued in December 2015. The petitioner had only one daughter and one son viz. Vaishnavi and Kedarnath respectively. This aspect has not been considered by the Tribunal in its proper perspective.

3. The learned Additional Government Pleader accepts the notice for respondent nos. 1 and 2 and submits that the Tribunal has considered all the relevant facts. Mr. Dighe, the learned Counsel accepts the notice for respondent no.3 and also supports the judgment delivered by the Tribunal.

4. We have considered the submissions. The advertisement specifically states about the small family. On the date when the petitioner made an application for the post of Police Patil, his deed of adoption had not seen the lights of the day. The deed of adoption is executed on 01st

March, 2016. Though the deed of adoption recites that Vishakha, daughter of the petitioner, was given in adoption when she was of two years of age, the same deed of adoption further recites that ceremony of adoption took place on 24th February, 2016. The said date would be the effective date. Even if it is assumed that the said deed of adoption is genuine, still the date when the petitioner applied for the post of Police Patil, the petitioner had two daughters and one son. We are not giving any finding about the genuineness and validity of adoption deed. Last one being born in December 2008. Tribunal has considered these facts. No error has been committed by the Tribunal.

5. In the result, writ petition is dismissed. No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

SSD