

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 1148 OF 2010

Sanju S/o Narayan Wendole

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. Vivek Dhage, Advocate for the petitioner.
Mr. P.S. Patil, AGP for respondents no. 1 and 2.

**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE: 24.09.2019

PER COURT :

- 1] A very short point arises for consideration in the writ petition.
- 2] We have heard learned counsel for the parties.
- 3] A proclamation was issued on 25.03.2008 inviting applications to fill up one vacant post of Police Patil in village Kedarkheda, Tq. Bhokardan,

Dist. Jalna. Three applicants were empaneled. The petitioner, the respondent No. 3 and one Mr. Lachuriya. Respondent No. 3 obtained 58 marks, the petitioner and Mr. Lachuriya obtained 50 marks. But Mr. Lachuriya got knocked out of the race because he had not cleared the secondary examination. Residence in the village was an essential condition of eligibility.

4] Thus, only petitioner and respondent no. 3 remained in the race.

5] So acute is the race for jobs in India that petitioner went upon hunting the personal information regarding respondent No. 3. Petitioner found that name of respondent No. 3 was entered in the voters' list published on 10.06.2007 recording him to be a resident of village Walsa-Khalsa. Armed with the said document and alleging the same to be the proof of respondent No. 3's residence, Original Application No. 616/2008 was filed by the petitioner.

6] The response was that respondent No. 3 was residing in village Kedarkheda and in support thereof, respondent No. 3 produced voters' list

showing his name entered in the voters' list recording his residence as village Kedarkheda as well. Respondent No. 3 also filed documents showing ownership of immovable property in village Kedarkheda. Authenticity of the said document was not challenged by the petitioner.

7] The Tribunal has reasoned that merely on fact that respondent No. 3's name was entered in the voters' list in two villages was not sufficient to draw an inference that respondent No. 3 was a resident of village Walsa-Khalsa. The Tribunal held that therefrom it could not even be inferred that he was a resident of village Kedarkheda. But broke the deadlock with respect to respondent No. 3 proving that he owned agricultural land and residential house in village Kedarkheda.

8] The issue in the writ petition is whether the Tribunal drew right inference and reasoned logically with reference to the documentary material before it.

9] We hold that the Tribunal reasoned logically. If a person's name is recorded at two places in a voters' list with difference residences, the two

entires would destroy each other on the issue of proof of residence. In the instant case, the proof has been seen with reference to the title document of the immovable property.

9] We agree with the decision of the Tribunal. The petition is dismissed.

(R.G. AVACHAT, J.)

CHIEF JUSTICE

dyb