

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

WRIT PETITION NO.3730/2019

Smt. Kalpana Vishwasrao Khandare vs. The State of Maharashtra & ors.

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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 order

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Shri. C. A. Babrekar, Advocate for the petitioners.
Shri. A. M. Deshpande, Additional Government Pleader for
respondent Nos. 1 to 4.

CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.

DATED : 18th September, 2019

The petitioner was appointed on the post of Kotwal by an order dated 16-05-2013. This appointment was cancelled on 26-02-2014 after conducting an enquiry. However, the petitioner was not provided an opportunity before cancellation. Hence, the matter was remanded back in the earlier round of litigation. Thereafter, petitioner has provided an opportunity and ultimately the decision has been taken.

The Maharashtra Administrative Tribunal has recorded reasons in paragraph – 7 of the Judgment in Original Application No.135 of 2016 decided on 27-11-2018, which reads thus -

“It appears that respondent no.5 correctly answered 25 questions and therefore she got 50 marks. It seems that no marks are allotted to the applicant or

respondent no.5 to the answers where there was over writing or erasing. It is pertinent to note that as per the directions given by the Tribunal, the answer sheets were re-examined and marks are allotted, except this ground there is no other challenge to the process. Now it is contention of the applicant that the procedure followed by respondent no.4 is illegal and his decision and allotment of marks after revaluation is wrong. In my opinion if such contentions are allowed to be raised, then there would be no end and finality to the examination process. There is a presumption that the public officers discharge their functions honestly as per the rules and unless it is shown that there was some foul play or malice it is not permissible to interfere. In the present case the respondent no.4 who re-examined the answer papers was not in inimical terms with the applicant, similarly respondent no.4 had no reason to show favour to respondent no.5. In the absence of such allegations and evidence, I do not see any merit in the contention to interfere in this matter. Hence, I hold that the decision taken by respondent no.4 is correct and proper and no interference is required.”

After going through the decision, we do not find that any case is made out for interference.

Writ Petition is therefore, dismissed.

JUDGE

JUDGE

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