

Pradnya Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4367 OF 2019**

Keshav Rambhau Binnar	..Petitioner
vs.	
Ashok Dhondiba Dhonnar and Ors.	..Respondents

**WITH
WRIT PETITION NO. 4369 OF 2019**

Ravindra Balasaheb Handore	..Petitioner
vs.	
Shantaram Sudam Kokate and Ors.	..Respondents

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Mr. Rameshwar N. Gite for Petitioners.
Dr. Uday Warunjikar I/b. Mr. Pravartak Pathak for Respondent No.1.
Mr. R.S. Pawar, AGP for Respondent Nos.2 to 4 in WP No.4367/2019.
Mr. Karan Thorat, AGP for Respondent Nos.2 to 4 in WP No.4369/2019.

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**CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.**

DATE : 4 FEBRUARY 2020

P.C.:-

Heard learned counsel for the parties.

2. A short question that is raised in these Petitions is whether the decision of the Maharashtra Administrative Tribunal

setting aside the decision of the Committee constituted by the Respondent-State to hold re-interviews of the candidates for the selection to the post of Police Patil calls for interference.

3. The Petition No.4367 of 2019 pertains to the village Hiware and Writ Petition No.4369 of 2019 pertains to the village Shrirampur.

4. The recruitment for the post of Police Patil in both these places, along with others was, initiated sometime in February 2016. During the recruitment process interviews were taken of the candidates. The candidates, including the Petitioners made complaints to the Authorities regarding the interviews taken. A committee was constituted to look into the complaints. The Committee held its meeting in July 2016 and analysed the complaints as per different villages and individual complaints. The Committee recommended that it would be appropriate to hold re-interviews. Accordingly, the decision was taken by the Collector to hold re-interviews pursuant to the decision of 14 July 2016. This decision was challenged earlier before this Court and thereafter before the Maharashtra Administrative Tribunal by the various candidates. The Tribunal found that the decision of taking re-interviews was not legal and proper and set aside the same by the impugned order. Hence, these Petitioners have moved this Court.

5. Learned counsel for the Petitioners submitted that the decision taken by the Committee was correct in light of various irregularities that the Committee found and many of the candidates such as respondents in these Petitions were not found qualified to be appointed. Learned counsel submitted that the Tribunal was in clear error in interfering with the informed decision taken by the Committee to hold re-interviews.

6. Learned counsel for the Respondents-candidates submitted that there is no such conclusive finding of the Committee regarding any malpractices and merely on the basis of impressions that a decision is taken.

7. The Tribunal has considered the decision of the Committee in extenso. The Tribunal has rightly found that the Committee did not record any conclusive findings that the process was vitiated because of established malpractices and that therefore there is no option but to hold re-interviews. No such finding is pointed out to us by the learned counsel for the Petitioners. The Tribunal has also rightly noted that merely because it would be desirable to hold fresh interviews to dispel doubts, is not good enough ground to do so. The Tribunal's conclusion in this regard is a possible view of the matter. Considering the need for finality in the selection process, merely on perceptions and because it is

desirable, in the matter of public recruitment, re-interviews can not be ordered casually. We are not inclined to interfere with the impugned order.

8. As regards the contention of the learned counsel for the Petitioners that some of the Respondents if selected would be occupying the post without being qualified is concerned, that is not the subject matter before us in these Petitions. These Petitions are only challenging the order of the Tribunal setting aside the decision to take re-interviews. Since this is not the subject matter of challenge and that any such prayer will have to be made before the Tribunal at the first instance, it is open for the Petitioners to agitate this question before the Tribunal, if so advised. As regards the observation made by the Tribunal about the eligibility of the candidates is concerned, it has to be noted that this observation was in the limited context of examining the correctness of the re-interviews and there was no challenge to the actual appointment of the Respondents-Candidates before the Tribunal. We keep the contentions of the parties in that regard open.

9. Writ Petitions are accordingly disposed of.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)