

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

WRIT PETITION NO. 9327 OF 2022

Shivaji Digambar Dadge and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Anand V. Indrale Patil, Advocate for the Petitioners.
Smt. V. N. Jadhav Patil, A.G.P. for the Respondent Nos. 1 to 4.

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

DATE : 15.09.2022.

FINAL ORDER (Per Sandeep V. Marne, J.) :-

. The petitioners have filed the present petition challenging the judgment and order dated 04 August 2022 passed by the Maharashtra Administrative Tribunal, Bench at Aurangabad in Original Application No. 761 of 2018, which was instituted by the petitioners challenging the appointment order on the post of Police Patil of village Bhatsangvi, Tq. Chakur, Dist. Latur in favour of the respondent No. 5. The Tribunal has not found any error in the selection of the respondent No. 5 and proceeded to dismiss the original application.

2. Mr. Indrale Patil, learned advocate appearing for the petitioner would submit that favouritism was shown for the respondent No. 5 in the matter of selection by the Sub Divisional Officer. He would submit that the Sub Divisional Officer was

alone present for the interview, whereas names of the other officers came to be added later. He would further submit that on account of failure of the respondent No. 5 to join the post within a period of seven days as specified in the appointment order, the respondent authorities ought not to have permitted the respondent No. 5 to join the post.

3. We find that the allegation of favouritism made by the petitioners is totally misplaced. We have gone through the result of the selection, copy of which is annexed with the petition at page No. 46. Result of selection would indicate that only 20 marks were allotted for interview. Out of 20 marks, we find that the petitioner No. 3 has been awarded 12.4 marks, which is at par with same marks allotted to the respondent No. 5 in the interview. Furthermore, one more candidate namely Shri Dandge Tatyrao Bhaurao who could not ultimately be selected has been awarded 12.6 marks, highest amongst all candidates, who appeared for interviews. However, after clubbing marks of written test and oral interview, the respondent No. 5 secured 64.4 marks and accordingly came to be selected. We, therefore, did not find that any favouritism was shown to the respondent No. 5 while awarding marks.

4. So far as contention regarding absence of other members of the selection committee is concerned, the Tribunal has dealt with the said aspect in para 10 of the judgment. Same is reproduced as under :

"10. In the background of the above said rival submissions, if the facts of the present case are considered, it is evident that in the affidavit-in-reply, the respondents have placed on record the documentary evidence of oral interview duly signed by the respective committee members. As regard the absence of Mr. Bharat Suryawanshi i. e. the Tahsildar-Chakur in the interview committee, it is specifically contended that on the day of interview he was busy in the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in court matter and in his place Resident Niab Tahsildar Shri Bhansham B. Adsul was present and he has signed the mark sheet. Moreover, Mr. Panchgale, who was holding the post of Block Education Officer was busy in attending the State Level Education and Planning Program at Pune and in his place one Almale Extension Officer was present."

5. Lastly, the submission that the respondent No. 5 did not join within seven days as stipulated in the appointment order deserves summary rejection. Mere failure to join within stipulated period would not *ipso facto* render his selection or appointment invalid. We, therefore, do not find any merit in the writ petition. Same is accordingly dismissed without any orders as to costs.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/Sept. 22