

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

WRIT PETITION NO.10783 OF 2023

**PRASHANT SANTOSH JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Chandrakant P. Patil
AGP for the Respondents/State : Shri P.S. Patil

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 01st September, 2023

Per Court :-

1. The Petitioner is an aspirant for the post of Police Patil in the light of the advertisement dated 17.07.2023 for filling in 41 posts. He is presently aggrieved by the selection of a candidate whom he seeks to add as Respondent No.4. Addition is permitted.

2. The Petitioner had approached the learned Maharashtra Administrative Tribunal with regard to the advertisement/ proclamation for filling in the vacant posts of Police Patil with the additional prayer that one post of Police Patil be kept vacant since the Petitioner is desirous of seeking

employment. The Original Application (stamp) No.1494/2023 has been rejected by the order dated 10.08.2023 on the ground of “*being not maintainable before this Tribunal*”.

3. We are of the view that Section 3(q) and Section 15(1)(a) of the Administrative Tribunals Act, 1985, were not cited before the learned Tribunal. Clause (1)(a) of Section 15 would indicate that the matters concerning recruitment to any civil service of the State or to any civil post under the State, can be entertained by the learned Tribunal. The Petitioner concedes that the post of Police Patil is an employment with the State. The learned AGP confirms.

4. In view of the above and since the Petitioner is now further aggrieved by the selection of Respondent No.4 and desires that the said selection be set aside and his candidature be considered for the post, it would render the Petitioner to the jurisdiction of the learned Tribunal.

5. Hence, **this Writ Petition is disposed off** with liberty to the Petitioner to prefer an Original Application before the learned Maharashtra Administrative Tribunal.