

WRIT PETITION NO. 15950 OF 2022

Sou Rajashri Rajgonda Patil } **Petitioner**

Versus

The State of Maharashtra & Ors. } **Respondents**

Mr. Dhairyasheel Sutar with Ms. Kavita D. Vijapure for the petitioner.

Mr. P. P. Kakade, Government Pleader with
Mr. R. P. Kadam, AGP for respondents 1 to
5 (State).

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: JANUARY 4, 2023

P.C.i:

1. The petitioner had participated in the selection process of Police Patil for village Khidrapur. The petitioner stood at Sr. No. 1 at merit list. However, the petitioner was not selected. A complaint was made that the petitioner does not reside at village Khidrapur. The same was considered by the Sub-Divisional Officer (SDO) and respondent no. 6 was appointed as Police Patil, Khidrapur. The petitioner challenged the same before the Maharashtra Administrative Tribunal, Mumbai (hereafter "the Tribunal", for short). The Tribunal remitted the matter to the SDO for further inquiry. After remand, the SDO recorded some statements and thereafter, again held that the petitioner is a resident of village Jugul and not of village Khidrapur. The petitioner again challenged the same by filing Original Application No. 715 of 2017. The same is dismissed. Aggrieved thereby, the present petition.

2. Mr. Sutar, learned advocate for the petitioner submits that the Tribunal failed to consider the documents produced by the petitioner, such as Voter ID, Certificate of Talathi, the voters list of village Khidrapur, School Leaving Certificate, Nationality-Domicile Certificate issued by the Executive Magistrate, the LPG Gas connection, etc. All these documents unequivocally establish that the petitioner is permanent resident of village Khidrapur. The petitioner has a clinic at village Jugul. It is only on that ground and a Ration Card was obtained showing residence at Jugul that itself would not mean that the petitioner is permanent resident of Jugul. The distance between Jugul and Khidrapur is 4 kms. All these aspects were required to be considered by the Tribunal.

3. We have heard learned AGP also.

4. It is not in dispute that the petitioner runs a clinic at village Jugul. The petitioner is a medical practitioner. It would also appear that the son of the petitioner has purchased a scooter showing residence at village Jugul. Gas connection is also obtained at village Jugul. There are contrary documents. Some of the documents, such as certificates of Tahsildar, Gramsevak, Sarpanch are of the year 2017, i.e., after the notified date.

5. A probable view has been taken by the SDO and the Tribunal. The SDO has arrived at subjective satisfaction based on the objective assessment of the documents available with him. As probable view is taken by the Tribunal, no interference is called for. The writ petition is dismissed. No costs.

SALUNKE
J V

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(SANDEEP V. MARNE, J.) (ACTING CHIEF JUSTICE)