

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

WRIT PETITION 738/2020

POONAMKUMAR S/O RAJENDRA RAUT
VS
STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.M.Tirukh, Advocate for the petitioner
Mrs. K.S. Joshi, Addl. G.P for respondents 1 and 2
Mr. R.A. Haq, Advocate for respondent 3

CORAM : ROHIT B. DEO AND
Y.G. KHOBRADE, JJ.

DATED : 07/02/2023

The challenge is to the order dated 10.01.2020 rendered by the learned Maharashtra Administrative Tribunal (MAT) vide Original Application 786/2015.

2. Original Application 786/2015 is preferred by respondent 3 questioning the appointment of the petitioner as Police Patil of Village Choudhar Khed (Kurha), Tahsil Chandur Bazar, District Amravati.

3. The learned MAT allowed the original application partly. The appointment of the petitioner is quashed and the State is directed to initiate and complete the process of appointment afresh within four months.

4. We need not delve deeper in the grounds on the basis of which the appointment of the petitioner is held

illegal by the learned MAT.

5. We note that in accordance with Clause 4 of the Maharashtra Village Police Patils (Recruitment, Pay, Allowances and Other Conditions of Services) Order, 1968 initial appointment cannot exceed the period of five years and the renewal for further term of five years at a time is subject to the condition that the work of the Police Patil is found satisfactory.

6. Considering that the appointment of the petitioner was made on 19.01.2016 and the tenure of the initial five years would have ended, irrespective of the judgment of the learned MAT on 15.01.2021, we do not see any reason to examine the merits of the matter in writ jurisdiction, particularly since certain seriously disputed factual aspects are involved as regards the conduct of the interview.

7. While we are not inclined to interfere, we clarify that we do not intend to make any observation on the merits of the contentions in the petition and the ground on which order impugned is assailed before us.

8. We direct the State to immediately initiate the process of appointment of Village Police Patil of the Village Choudhar Khed (Kurha), Tahsil Chandur Bazar, District Amravati and complete the process within next four months.

9. Considering the order which we have made, broader question which is formulated in the order dated 05.01.2021, and which formulation was the reason why other appointed Police Patils are impleaded, need not be considered. We leave the broader question open for consideration in appropriate matter.

10. The petition is disposed of in the aforestated terms.

(Y.G. KHOBRAGADE, J.)

(ROHIT B. DEO J.)

SANDIP
MAHADEV
GATE

Personal Assistant to the
Hon'ble Judge
Digitally signed by
SANDIP MAHADEV GATE
Date: 2023.02.09
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