



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

WRIT PETITION NO.4241 OF 2019

Ravi Shivhshankar Malode

... Petitioner

Versus

The State of Maharashtra and Others

... Respondents

.....

Ms. Dr. Anagha N. Pedgaonkar, Advocate for the Petitioner

Shri. A. R. Kale, Addl. G.P. for the Respondent / State.

Shri. Ashok D. Raut, Advocate for Respondent No.3

.....

CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : JULY 29, 2025

FINAL ORDER :-

. Heard finally by consent of both the sides at the admission stage.

2. The Petitioner had responded to the advertisement for filling the post of Police Patil for village Khandala, Tal and Dist. Hingoli. The Petitioner had appeared for the required test and was placed in the merit list. Respondent No.3 had made Complaint that the Petitioner supplied false information in the Application Form. The Respondent No.2 considered the said Complaint and passed order on 16.02.2018 and rejected the objection. The Petitioner was appointed as the Police Patil of the said village by order dated 16.02.2018 for a period of five (5) years. The Respondent No.3 challenged the appointment of Petitioner by approaching the learned Maharashtra Administrative Tribunal, Mumbai, Bench at Aurangabad (hereinafter referred to as 'Tribunal') by filing

Original Application No.502/2018 (for short 'O.A.') which was contested by the Petitioner. The learned Tribunal by the impugned Judgment and Order dated 20.03.2019, allowed the Application and set aside the appointment order of the Petitioner as the Police Patil. Hence, this Writ Petition under Article 226 of the Constitution of India.

3. It is submitted by the learned Advocate for the Petitioner that if the advertisement is seen, it is clearly mentioned that the documents would be verified at the time of interview and therefore, it was not necessary to possess Non-Creamy Layer Certificate at the time of filing the Application. She submits that there were two (2) options as 'Yes' or 'No' against the column whether candidate was having Non-Creamy Layer Certificate and since the documents were to be submitted at the time of interview, the Petitioner clicked the option 'Yes' against the said column of Non-Creamy Layer Certificate. She submits that it cannot be said that the Petitioner had provided false information. She further submits that the Respondent No.3 has no locus to challenge Petitioner's appointment order which was passed by the competent authority i.e. the Respondent No.2. She submits that the learned Tribunal has not considered the matter in the right perspective and therefore, the Petition be allowed.

4. Learned Addl. G. P. appearing for the Respondent Nos.1 and 2 supports the order of the learned Tribunal.

5. Learned Advocate for the Respondent No.3 submits that since

the Petitioner had provided false information in the Application Form itself, the learned Tribunal has rightly allowed his Original Application and no interference is required in the Petition and the Petition be dismissed.

6. We have gone through the papers on record.

7. It is true that, in the advertisement, it was mentioned that, the original documents would be verified at the time of interview. The advertisement also speak that, Non-Creamy Layer Certificate was necessary. Copy of the Application which was submitted by the Petitioner in pursuance to the advertisement for appointment as Police Patil is on record and admittedly, against the column 'whether candidate possesses Non-Creamy Layer Certificate?' the Petitioner responded as 'Yes'. Further, the undertaking below the Application Form reads as under :

"मी प्रमाणित करतो / करते की अर्जात नमुद केले अर्जात नमुद केलेली सर्व मुळ कागदपत्र माझ्याकडे आजस्थितीत उपलब्ध आहेत अर्जातील काही त्रुटी आढळून आल्यास कोणच्याही टप्प्यात माझी उमेदवारी रद्द होईल यातील परिपूर्ण माहिती नसल्याने या आवश्यक त्या परिक्षा शुल्काचा धनाकर्म विहीत मुदतीत अर्जासोबत एक प्रत जोडत आहेत. अर्जा नावावरून जाईल याची मला जाणीव आहे. "

8. Undisputedly, the Petitioner applied and got the Non-Creamy Layer Certificate after submitting the Application for Non-Creamy Layer Certificate. It is thus clear that, by clicking 'Yes' against the column 'as to whether the candidate possesses Non Criminal Certificate', when he was not possessing the said Certificate at that point

of time, he provided false information. Resultantly, the undertaking below the Application Form became false. It is thus clear that the Petitioner had not provided the correct information while submitting Application Form. The learned Tribunal has considered this aspect and observed thus:

“27. Thus, on his own showing, res. no. 3 he has submitted the online application, by furnishing false information and in view of clauses contained in the advertisement which are mentioned in para nos. 5 & 6, res. no. 3's application was liable to be rejected at the level of scrutiny and res. no. 3 was not entitled to be called even for written test as well as for oral interview. Conduct of the res. no. 3 is a clear illustration of "suggestio falsi & suppressio veri."

9. The appointment order of the Petitioner shows that the appointment was for a period of five (5) years i.e. till 15.2.2023. This shows that, after the appointment the Petitioner has completed his regular tenure of five (5) years. It is seen that subsequently the Competent Authority had extended the period of the Petitioner as the Police Patil from 16.02.2023 to 28.02.2033.

10. In view of the above, no case is made out for interference in the impugned order passed by the learned Tribunal and the Petition deserves to be dismissed and hence, the following order.

ORDER

(i) The Petition is dismissed.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)