



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4525 OF 2025

Ankita w/o Mukesh Deshmukh @
Ankita d/o Kishor Dudhe ... PETITIONER

VERSUS

1. The State of Maharashtra
through its Principal Secretary,
Home Department Mantralaya, Mumbai
2. The District Collector,
Nanded District Nanded
3. The Sub Divisional Officer/
Sub Divisional Magistrate, Hadgaon
Tq. Hadgaon Dist. Nanded
4. The Tahsildar,
Tahsil Office, Hadgaon
Dist. Nanded
5. The Gramsevak,
Village Panchayat Irapur,
Tq. Hadgaon Dist. Nanded
6. Shalini w/o Raosaheb Deshmukh ... RESPONDENTS

...

Advocate for the Petitioner : Mr. A.D. Sonkawade h/f. Mr. Prashant P.
Giri and Mr. V.B. Jadhav and Mr. Yogesh G. Kasod
AGP for Respondents No.1 to 4 : Ms. Chaitali Chaudhari - Kutti
Advocate for Respondent No.6 : Mr. V.P. Savant

...

CORAM : R.G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATE : 22.12.2025

ORDER (ABASAHEB D. SHINDE, J.) :

1. Heard. Rule. Rule is made returnable forthwith. With the consent of the parties the matter is heard finally at the stage of admission.

2. By this writ petition under Article 226 of the Constitution of India, the petitioner is taking exception to the judgment and order dated 06.03.2025 rendered by the Maharashtra Administrative Tribunal, Mumbai, bench at Aurangabad (for short the learned Tribunal), in Original Application No.280/2024, allowing the said original application filed by the respondent No.6 herein thereby setting aside the selection and appointment of the petitioner to the post of Police Patil of Village Irapur, Tq. Hadgaon, District Nanded (the said village) by further directing the respondent No.3 herein to issue an appointment in favour of the respondent No.6.

3. Learned counsel for the petitioner submits that the petitioner initially was residing at Village Digras Taluka and District Yavatmal and she got married to one Mukesh Deshmukh on 03.03.2021 who is a permanent resident of the said village and since then she is residing at the said village.

4. It is further contended that pursuant to an advertisement

issued by respondent No.2 the petitioner applied for the post of Police Patil along with respondent No.6 for the said village. It is further contended that the select list was published by the respondent No.2 on 20.01.2024, wherein, the name of the petitioner stands at sr. No.1, whereas, the name of respondent No.6 stands at serial no.6. It is further submitted that as the petitioner was found qualified, the respondent No.2 on 20.02.2024 appointed the petitioner to the post of Police Patil of the said Village.

5. Learned counsel for the petitioner would submit that the respondent No.6 challenged the selection and appointment of the petitioner before the learned Tribunal by filing Original Application No.280/2024 on the ground that the petitioner is not the original resident of the said Village and, therefore, she is disqualified for being appointed to the said post as being a resident of the said Village is the condition precedent for the purpose of selection and appointment to the post of Police Patil.

6. Learned counsel for the petitioner would further submit that though it seems that the learned Tribunal had issued notice to the petitioner, however, the petitioner did not receive the same resultantly the learned Tribunal decided the Original Application ex parte against the petitioner holding that though the petitioner is

served with the notice she failed to appear and thus the original application filed by the respondent No.6 came to be allowed by the impugned order by setting aside the selection as well as the appointment of the petitioner by further directing to issue an appointment order in favour of the respondent No.6. The learned counsel for the petitioner would further urge that since the impugned order passed by the learned Tribunal is without giving proper opportunity of hearing to the petitioner, the same deserves to be quashed and set aside.

7. Per contra, the learned counsel for the respondent No.6 would submit that the learned Tribunal after considering the material placed before it has arrived at a conclusion that petitioner has failed to prove that the petitioner is resident of said Village. He would further submit that since the petitioner has failed to satisfy the condition laid down in Clause 3 and 7 of the advertisement i.e. not being a permanent resident of the said Village, learned Tribunal has rightly allowed the original application filed by the respondent No.6 by setting aside the selection and appointment of the petitioner and the respondent No.6 being a permanent resident of the said Village, has been directed to be appointed on the post of Police Patil. It is thus urged that the writ petition deserves to be

dismissed.

8. Learned AGP while adopting the submission advanced by the learned counsel for the respondent No.6 would submit that the learned Tribunal has rightly taken a view that, since the petitioner has failed to prove that she is a permanent resident of the said Village, she stands disqualified and thus her appointment has been rightly set aside by directing to issue an appointment order in favour of the respondent No.6.

9. Though the learned counsel for the petitioner, the learned counsel for the respondent No.6 and the learned AGP for the State, sought to advance the submissions on merit, however, we find that the crucial point that falls for consideration before this Court is whether, the notice issued by the learned Tribunal was duly served on the petitioner, resultantly deciding the original application ex parte against the petitioner.

10. We have perused the documents annexed with the writ petition and more particularly the Aadhar Card placed on record by the petitioner which depicts that before getting married, she was a resident of Village Digras, Taluka and District Yavatmal, even in the title clause of the original application the address of the petitioner is shown the same. It thus appears that the notice issued by the

learned Tribunal might have been sent on the address where the petitioner was initially residing, however, since the petitioner got married with one Mukesh Deshmukh, who is resident of the said Village and, is presently residing on the said address, the petitioner must not have been served with the notice issued by the learned Tribunal. We, therefore, find substance in the submission of the learned counsel for the petitioner that she has never received the notice issued by the learned Tribunal on the present address. We, therefore, are of the view that the petitioner cannot be said to have been duly served, despite this fact the original application has been proceeded ex parte against the petitioner, thereby, depriving the petitioner an opportunity of hearing. Thus without entering into the merits of the matter, we are inclined to set aside the impugned order by remanding the matter back to the learned Tribunal for deciding the original application afresh by giving sufficient opportunity of hearing to the petitioner.

11. Hence, we pass the following order:

ORDER

- A. The writ petition is partly allowed.
- B. The impugned judgment and order dated 06.03.2025 passed by learned Maharashtra Administrative Tribunal, Mumbai,

Bench at Aurangabad, in Original Application No.280/2024, is hereby quashed and set aside.

- C. The matter is remanded back to the learned Tribunal for a fresh consideration after giving sufficient opportunity of hearing to the petitioner.
- D. All the points and contentions to be raised by the respective parties are kept open.
- E. In peculiar facts and circumstances, we request learned Tribunal to decide the proceedings of Original Application No.280/2024 by 27.02.2026.
- F. Rule is thus made absolute in above terms with no order as to costs.

(ABASAHEB D. SHINDE, J.)

(R.G. AVACHAT, J.)