

**M.A.NO.103/2020 IN O.A.ST.NO.146/2020  
(Ramchandra Palmate Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri V.P.Golewar, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents.

2. It is submitted that the matter is wrongly circulated and scheduled date of the matter is 07-12-2021. Hence, he requested to adjourn the matter.

3. S.O. to 09-12-2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.139/2017  
(Shaikh Liyakat Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri V.P.Golewar, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant and with consent of the learned PO, S.O. to 09-12-2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.537/2019  
(Narendra Thakur Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri A.U.Aute learned Advocate holding for Shri S.B.Talekar, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents.

2. At the request and by consent of both parties, S.O. to 30-11-2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.941/2019**  
**(Dr. Shukracharya Dudhal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri A.U.Aute learned Advocate holding for Shri S.B.Talekar, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents.

2. At the request and by consent of both parties, S.O. to 30-11-2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.810/2017**  
**(Shaligram M. Sonawane Vs. State of Maharashtra & Ors.)**

**CORAM :** **Hon'ble Justice Shri P.R. Bora, Member (J)**  
**AND**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE :** **27.11.2021**

**ORAL ORDER :**

Heard Shri S.D.Dhongde, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents.

2. Final arguments are heard. Matter is now posted for seeking any explanation or if any query by the Tribunal on 13-12-2021.

3. S.O. to 13-12-2021.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NO.303/2019 & 492/2019  
(Shukracharya Tekale & Pritam Chavan  
Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicants and Shri B.S.Deokar & Shri I.S.Thorat, learned Presenting Officers for the respondents.

2. Arguments of the learned Advocate for the applicants are heard at some length.

3. S.O. to 01-12-2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NO.794/2019, 120/2019, 766/2019, 809/2019,  
66/2020, 195/2020 AND 301/2020  
(Shrihari Davargave & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri D.T.Devane in O.A.No.794/2019 and Smt. Vidya Taksal, learned Advocate holding for Shri A.S.Deshmukh, learned Advocates for the applicants in other O.A.s and Shri I.S.Thorat & Shri B.S.Deokar, learned Presenting Officers for the respondents in respective matters.

2. At the request and by consent of both parties, S.O. to 30-11-2021.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NO.253/2020 & 254/2020  
(Bapurao Bhosale & Gopal Baldar  
Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri K.G.Salunke, learned Advocate for the applicants and Shri B.S.Deokar, learned Presenting Officers for the respondents in both the cases.

2. At the request and by consent of both parties, S.O. to 01-12-2021.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 424 OF 2020**  
**(Anil D. Kondhare Vs. State of Maharashtra & Ors.)**  
**WITH**  
**ORIGINAL APPLICATION NO. 454 OF 2020**  
**(Ambadas P. Lagad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 27.11.2021**

**ORAL ORDER :**

The present Original Applications are filed seeking benefit of promotion from the cadre of Peons to the cadre of Clerks on the basis of the G.R. dated 14.01.2016 issued by the Finance Department. The respondents on the other hand for opposing the claim have relied upon the subsequent recruitment rules viz. the Clerk-Typist, Group-C in the Government Offices, outside Greater Mumbai (Recruitment) Rules, 2017.

2. The matters mainly revolve around the educational qualification and possession of Government Commercial Certificate or Computer Typing Certificate with a speed of not less than 30 words per minute in Marathi Typewriting or 40 words per minute in English Typewriting.

3. After filing the affidavits in reply by the respective respondents in the respective matters, it was admitted

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O.A. Nos. 424 & 454  
both of 2020

and fixed for final hearing. During the course of arguments only the applicants have produced on record provisional Commercial Certificate. That apart during the course of argument, learned Advocate for the applicants has placed on record Notification dated 11.06.2019 issued by the General Administration Department adding one more proviso to Rule 3, which speaks of restoration of earlier minimum qualification of passing of 10<sup>th</sup> Std. examination instead of Graduation as provided in the Recruitment Rules of 2017 and extending the benefit of five years. Hence, it is seen that those documents are of paramount nature. However, those documents are placed on record without any pleadings or submissions. In order to make documents part of record, in our considered opinion the applicants have to place those documents on record along with short affidavit, so that it become part of record.

4. In view of the above, the present matters are reopened for hearing and posted to 15.12.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.712 OF 2021**  
**(Dr. Subhash G. Kabade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri M.L. Wankhade, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 07.01.2022.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

**//2//**

**O.A.712/21**

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 07.01.2022.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter is placed on separate board.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.459 OF 2019**  
**(Priti J. Patale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri Amit Savale, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present matter is already part heard.

3. Today, learned P.O. for the respondents produced on record the copy of communication dated 18.10.2021 received from Respondent No.2 along with copy of letter dated 16.06.2020 addressed by respondent No.1 to the Principal Secretary, Public Health Services, Mantralaya, Mumbai. The same is taken on record and marked as documents 'X-2' collectively for the purpose of identification.

4. At the request of learned P.O., S.O. to 30.11.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.583 OF 2021**  
**(Jitendra M.Panje Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Shri Swaraj S. Tandale, learned Advocate for the applicant is **absent**. Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 12.01.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.618 OF 2021**  
**(Yusuf Khan Niyam Khan Pathan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri A.B. Rajkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant placed on record the copy of communication received by him from the applicant seeking withdrawal of the Original Application as the applicant's representation is considered and he has been now transferred from Police Station, Paithan to Police Head Quarter, Aurangabad.

3. In the circumstances, I have reason to refuse the permission to withdraw the Original Application.

4. Hence, permission to withdraw the Original Application is granted.

5. In view of above, the Original Application stands disposed of as withdrawn with no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO.210 OF 2020**  
**(Suresh B. Hallikar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri D.V. Khillare, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Record shows that separate affidavit-in-reply is filed on behalf of the respondent No.3. Joint affidavit-in-reply is filed on behalf of respondent Nos.1,2, 5 & 6. Affidavit-in-reply is not filed on behalf of the respondent No.4.

3. Perusal of the joint affidavit and more particularly para Nos.7 & 9 thereof would show that three separate charge sheets are issued against the applicant for three separate events and out of those charge sheets, in one charge, the applicant has exonerated. However, the application would show that the applicant has been exonerated of two charges.

4. In view of controversy on record, affidavit-in-rejoinder of the applicant would be necessary.



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O.A.210/2020

5. Learned Advocate for the applicant seeks liberty to file affidavit-in-rejoinder on record. Liberty as prayed for is granted.

6. S.O. to 10.01.2022 for filing affidavit-in-rejoinder of the applicant.

**MEMBER (J)**

ORAL ORDERS 27.11.2021 - SAS

**M.A.NO. 627/2019 IN O.A.NO. 993/2019**  
**(Shri Dileep R. Joshi Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 27.11.2021**

### **ORDER**

By this Miscellaneous Application the applicant is seeking condonation of delay of 2 years, 11 months and 21 days for filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking the benefit of higher post i.e. Wireless Machine Operator in view of Government Resolution dated 29.9.2003 and challenging the impugned order dated 16.11.2016 to the extent of excluding the name of the applicant for such benefit and consequential benefit of arrears from 29.9.2003.

2. The applicant originally came to be appointed as Labour on 3.7.1978. After completion of 5 years of service he was given status of Confirmed Regular Temporary (C.R.T.) Labour, as per Kalelkar Award though he was engaged as a Labour; but due to exigencies of work, he was given the duties of Wireless Machine Operator since 1.1.1990 till the date of his retirement i.e. 31.7.2015 under the respondents.

**:: - 2 - :: M.A.NO. 627/2019 IN  
O.A.NO. 993/2019**

3. Respondent No. 1 issued Government Resolution dated 29.9.2003 for giving benefits of higher pay scale and designation to those CRT Labours, who fulfilled the condition that who was working on higher post as on 31.12.1997 and having educational qualification of S.S.C., who is working on higher post such as Typist, Clerks etc. and for others who are working as Driver, Welder, Lift Operator, Machine Operator etc. should have at least three years of experience on such higher post as on 31.12.1997 and whose service record is satisfactory.

4. In view of Government Resolution dated 29.9.2003, the respondent No. 3 on 16.1.2012 prepared a proposal for sanction of higher post in which the applicant's name was shown giving the details of his actual work. The said proposal was forwarded to respondent No. 2 and in turn to respondent No. 1. The respondent No. 1 issued the impugned letter dated 16.11.2016 denying the benefit to the applicant. The said impugned order is not in accordance with law. The applicant seeks to challenge the same. Therefore, he filed the accompanying

**:: - 3 - :: M.A.NO. 627/2019 IN  
O.A.NO. 993/2019**

Original Application along with the delay condonation application.

5. It is the contention of the applicant that in fact there is continuous cause of action and, therefore, it is not barred by limitation. The applicant has made representation dated 3.4.2019 and the same is still pending. The applicant ought to have been given benefit on the basis of notional dates. However, the benefits are refused. Similarly placed persons filed O.A. before this Tribunal and those have been granted the said benefit in accordance with G.R. dated 29.9.2003. The applicant is less educated person and he has no legal knowledge. In view of same, he seeks condonation of delay.

6. Affidavit in reply is filed on behalf of respondent Nos. 1 to 3 by Bhausahab Pandurang Ghandat, Sub-Divisional Officer, Sangamner Irrigation Sub Division, Sangamner, District Ahmednagar. He has denied adverse contentions raised by the applicant in the application and resisted the application contending that no sufficient cause has been shown by the applicant to condone the delay.

**:: - 4 - :: M.A.NO. 627/2019 IN  
O.A.NO. 993/2019**

7. I have heard the arguments advanced by Shri V.G. Pingle, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, at length.

8. After having considered the contentions raised by the applicant in the application, it is *prima facie* evident that the applicant has got good case on merit as he is seeking benefit under G.R. dated 29.9.2003. The said relief is granted to other similarly situated persons.

9. From the dates involved in the matter, it is evident that there is delay of 2 years, 11 months and 21 days in filing the accompanying O.A. Considering the said delay some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, the said delay cannot be said to be gross one or deliberate. By approaching the Tribunal belatedly the applicant had nothing to gain.

10. It is settled principle of law that expression "sufficient cause" is to be construed liberally. Considering the facts of the case refusing to condone

**:: - 5 - :: M.A.NO. 627/2019 IN  
O.A.NO. 993/2019**

the delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay of about 2 years, 11 months and 21 days by imposing moderate costs upon the applicant. I compute the costs of Rs. 500/- for that purpose. Therefore, I proceed to pass the following order: -

**ORDER**

The present Miscellaneous Application is allowed.

(ii) The delay of about 2 years, 11 months and 21 days caused in filing accompanying Original Application is hereby condoned, subject to payment of costs of Rs. 500/- (Rs. Five Hundred only). The applicant shall deposit the amount of cost in the registry of this Tribunal within the period of one month from the date of this order.

(iii) Upon satisfaction of the payment of costs, the office to register the accompanying O.A. in accordance with law by taking into account the other office objections, if any.

**:: - 6 - :: M.A.NO. 627/2019 IN  
O.A.NO. 993/2019**

(iv) Accordingly, the present Miscellaneous Application stands disposed of.

**MEMBER (J)**

ORAL ORDERS 27.11.2021-HDD

**M.A.NO. 628/2019 IN O.A.NO. 994/2019**  
**(Shri Dileep K. Thorat Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 27.11.2021**

### **ORDER**

By this Miscellaneous Application the applicant is seeking condonation of delay of 2 years, 11 months and 21 days for filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking the benefit of higher post i.e. Wireless Machine Operator in view of Government Resolution dated 29.9.2003 and challenging the impugned order dated 16.11.2016 to the extent of excluding the name of the applicant for such benefit and consequential benefit of arrears from 29.9.2003.

2. The applicant originally came to be appointed as Labour on 1.6.1987. After completion of 5 years of service he was given status of Confirmed Regular Temporary (C.R.T.) Labour, as per Kalelkar Award though he was engaged as a Labour; but due to exigencies of work, he was given the duties of Wireless Machine Operator since 1993 till the date of his retirement i.e. 31.5.2018 under the respondents.



**:: - 2 - :: M.A.NO. 628/2019 IN  
O.A.NO. 994/2019**

3. Respondent No. 1 issued Government Resolution dated 29.9.2003 for giving benefits of higher pay scale and designation to those CRT Labours, who fulfilled the condition that who was working on higher post as on 31.12.1997 and having educational qualification of S.S.C., who is working on higher post such as Typist, Clerks etc. and for others who are working as Driver, Welder, Lift Operator, Machine Operator etc. should have at least three years of experience on such higher post as on 31.12.1997 and whose service record is satisfactory.

4. In view of Government Resolution dated 29.9.2003, the respondent No. 3 on 16.1.2012 prepared a proposal for sanction of higher post in which the applicant's name was shown giving the details of his actual work. The said proposal was forwarded to respondent No. 2 and in turn to respondent No. 1. The respondent No. 1 issued the impugned letter dated 16.11.2016 denying the benefit to the applicant. The said impugned order is not in accordance with law. The applicant seeks to challenge the same. Therefore, he filed the accompanying

**:: - 3 - :: M.A.NO. 628/2019 IN  
O.A.NO. 994/2019**

Original Application along with the delay condonation application.

5. It is the contention of the applicant that in fact there is continuous cause of action and, therefore, it is not barred by limitation. The applicant has made representation dated 19.4.2019 and the same is still pending. The applicant ought to have been given benefit on the basis of notional dates. However, the benefits are refused. Similarly placed persons filed O.A. before this Tribunal and those have been granted the said benefit in accordance with G.R. dated 29.9.2003. The applicant is less educated person and he has no legal knowledge. In view of same, he seeks condonation of delay.

6. Affidavit in reply is filed on behalf of respondent Nos. 1 to 3 by Bhausahab Pandurang Ghandat, Sub-Divisional Officer, Sangamner Irrigation Sub Division, Sangamner, District Ahmednagar. He has denied adverse contentions raised by the applicant in the application and resisted the application contending that no sufficient cause has been shown by the applicant to condone the delay.

**:: - 4 - :: M.A.NO. 628/2019 IN  
O.A.NO. 994/2019**

7. I have heard the arguments advanced by Shri V.G. Pingle, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, at length.

8. After having considered the contentions raised by the applicant in the application, it is *prima facie* evident that the applicant has got good case on merit as he is seeking benefit under G.R. dated 29.9.2003. The said relief is granted to other similarly situated persons.

9. From the dates involved in the matter, it is evident that there is delay of 2 years, 11 months and 21 days in filing the accompanying O.A. Considering the said delay some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, the said delay cannot be said to be gross one or deliberate. By approaching the Tribunal belatedly the applicant had nothing to gain.

10. It is settled principle of law that expression "sufficient cause" is to be construed liberally. Considering the facts of the case refusing to condone

**:: - 5 - :: M.A.NO. 628/2019 IN  
O.A.NO. 994/2019**

the delay is likely to defeat the cause of justice at the threshold. In view of the same, in my considered opinion, this is a fit case to condone the delay of about 2 years, 11 months and 21 days by imposing moderate costs upon the applicant. I compute the costs of Rs. 500/- for that purpose. Therefore, I proceed to pass the following order: -

**ORDER**

The present Miscellaneous Application is allowed.

(ii) The delay of about 2 years, 11 months and 21 days caused in filing accompanying Original Application is hereby condoned, subject to payment of costs of Rs. 500/- (Rs. Five Hundred only). The applicant shall deposit the amount of cost in the registry of this Tribunal within the period of one month from the date of this order.

(iii) Upon satisfaction of the payment of costs, the office to register the accompanying O.A. in accordance with law by taking into account the other office objections, if any.

**:: - 6 - :: M.A.NO. 628/2019 IN  
O.A.NO. 994/2019**

(iv) Accordingly, the present Miscellaneous Application stands disposed of.

**MEMBER (J)**

ORAL ORDERS 27.11.2021-HDD

**ORIGINAL APPLICATION NO. 198/2021  
(Shri Umesh A. Bavare & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri Sandeep D. Munde, learned Advocate for the applicants, Shri B.S. Deokar, learned Presenting Officer for the respondent nos. 1 to 8 and Shri Suhas R. Shirsath, learned Advocate for respondent nos. 9 to 15.

2. Learned Advocate for the applicants has filed on record copy of communication dated 18.11.2021 issued by the R.D.C., Beed to the Tahsildar, Tq. Georai, Shirur Kasar, Ashti, Patoda, Majalgaon, Dharur, Khadwani, Dharur, Wadwani, Kej, Ambajoi, Parli, Dist. Beed. It is taken on record.

3. With the consent of both the sides, S.O. to 10.12.2021. High on board.

4. Since the present matter is fixed for final hearing on 10.12.2021, we hope and trust that the concerned authority will not proceed in passing any final order in

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**O.A. NO. 198/2021**

the matter and will wait therefor till final disposal of the present O.A.

5. The issue as has been raised by the learned Advocate for the respondent nos. 9 to 15 that some of the respondents in the meantime may cross the upper age limit of 45 years also can be considered at the time of final hearing.

**MEMBER (A)**

**MEMBER (J)**

ARJ ORAL ORDERS 27.11.2021

**ORIGINAL APPLICATION NO. 141/2019  
(Dr. Pandharinath S. Gawali & Ors. Vs. State of Maha. &  
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri Ajay S. Deshpande, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has placed on record copy of the orders passed by the Hon'ble High Court of Judicature at Bombay in writ petition No. 34430/2014 dated 31.12.2014, writ petition nos. 1574/2015 and the batch dated 23.2.2016 and writ petition no. 12582/2017 dated 17.1.2019. The same are taken on record and copies thereof are supplied to other side. He, therefore, seeks time. Time granted.

3. S.O. to 10.12.2021.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 733/2021  
(Shri Baliram V. Sahare Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)  
AND  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 27.11.2021**

**ORAL ORDER :**

Heard Shri Sandeep D. Munde, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Counsel for the applicant has cited the provisions of clause 11.10 of the Notification dated 3.9.2019 issued by the Home Department, Government of Maharashtra for filling up the posts in accordance with the Maharashtra Police Sepoy (Service) Rules, 2011. He has also drawn our attention to the clause 11.10 of Notification published by the Superintendent of Police, Jalna, dated 30.11.2019 and by comparing the two provisions he has emphasized the point that the Superintendent of Police, Jalna has added additional restrictive clause in terms that applications for one post cannot be made for more than one Police Unit. For accuracy the relevant provision is being reproduced below :-

*“एकाच पदासाठी विविध पोलीस घटकांत आवेदन अर्ज करता येणार नाहीत.”*

The learned Counsel for the applicant has also cited the provision of clause 11.17 of the two Notifications, which stipulates the procedure for dealing with instances of one candidate registering himself / herself with more than one Login I.D. for submission of online applications and pleaded that the applicant had submitted two applications with two different I.Ds., out of which the application submitted by the first Login I.D. was in response of advertisement / Notification issued by the District Superintendent of Police, Jalna, which can be considered.

3. Learned Counsel for the applicant further argued that in response to the said advertisement the applicant has filed his first application to the Superintendent of Police, Jalna for the post District Police Constable Driver. The applicant has also filed another on line application to the Superintendent of Police, Buldhana for the post of Police Constable Driver. The applicant has not qualified in the written examination conducted by the Superintendent of Police, Buldhana but, he has qualified in the written examination conducted by the Superintendent of Police, Jalna. However, as depicted on the result sheet

(page 78 of paper book), his candidature has been disqualified for field test for the reasons that he has made application for the same post for more than one Police Unit. Learned Counsel for the applicant submits that the applicant is not seeking any interim relief and prays that notices be issued to the respondents and the matter can be decided on merit.

4. Learned Chief Presenting Officer appearing for the respondents sought time for responding to the submissions made by the learned Counsel for the applicant on the point of admission.

5. Attention of the learned Counsel for the applicant was drawn towards the two applications submitted by the applicant. It appears that, in the application submitted by the applicant to the Superintendent of Police, Jalna, the applicant furnished following information :-

*“A) Do you belong to reserved category (social)?*

*The applicant had replied - ‘Yes.’”*

However, in the application submitted by the applicant to the Superintendent of Police, Buldhana he

has replied 'No' against the above said point. This indicates towards submission of factually wrong response.

6. The second question was '*category from which you want to apply for this recruitment?*'

Against this point, in the first application the applicant's response was '*N.T.-D*' and in the second application his response was '*General*'. This read with content of para 5 indicates that the candidate effort towards creation of superficial difference between two applications.

7. Attention of the learned Counsel for the applicant was also drawn towards a system generated Warning Note, (ref. page 73 of paper book), in the application submitted to the Superintendent of Police, Buldhana, which reads as under :-

*"Warning :- A similar record was found in applicants list. If identified that the duplicate registration was deliberately created, the Departments holds the authority to reject / disqualify the candidate and no refund shall be provided. Please ignore the message and continue*

*your registration if this is your only registration profile.”*

8. From facts mentioned above in para nos. 5 to 7 it is revealed that the applicant had not only suppressed true facts but also made factually wrong submission regarding belonging to Social Reservation Category. Even after getting warning from the Computer system while making second application for the post of Police Constable Driver, Police Unit, Buldhana, he went ahead and only after his candidature for the post of Police Constable Driver in the Police Unit, Jalna has been declared to be ineligible that he is coming out with excuses on technical grounds. The learned Advocate for the applicant could not give any convincing response to these facts in defense of the applicant.

9. It is also revealed from the contents of the two applications made by the applicant to Police Unit, Jalna and Police Unit, Buldhana that he had also applied to be considered for the post of Police Constable Driver for the Unit of C.P. Railway Police, Mumbai and for two different Units of S.R.P.F., Daund (Pune) and S.R.P.F., Hatnoor / Varangaon (Jalgaon).

10. From the facts discussed hereinabove, it explicitly reveals that the applicant has very cleverly filled in 2 applications for the post of Police Constable Driver for two District Police Units filling in different information, but the system has detected that one and the same person has filed 2 applications to 2 Police Units for the same post. Moreover, information submitted in respect of his belonging to reservation category (Social) is not only different but that also amounts to willful submission of factually wrong information.

11. It is thus evident that the applicant has willfully violated the condition expressly incorporated in the advertisement. Therefore, we do not find that the applicant has made out any case even for issuance of notices to the respondents.

12. In the above circumstances, the present Original Application deserves to be summarily rejected and it is accordingly rejected. There shall be no order as to costs.

**MEMBER (A)**

**MEMBER (J)**