

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 299 OF 2022
(Subject : Appointment)**

**DISTRICT : AURANGABAD
& BEED**

1. **Varsha Prakash Mandale,**)
Age :- 29 years, Occupation – Student,)
R/o Gat No. 11, Plot No. 1, Hindustan)
Housing Society, in front of Dhoot Bunglow,)
Kanchanwadi-431011.)
 2. **Akash Mahadev Pandule,**)
Age :- 26 years, Occupation – Student,)
R/o at Post Kelsangvi, Beed, Tq.& Dist. Beed.)
- ... **APPLICANTS**

V E R S U S

1. **The State of Maharashtra,**)
Through its Principal Secretary,)
General Administration Department,)
Mantralaya, Mumbai- 32.)
 2. **The State of Maharashtra,**)
Through its Secretary,)
Agriculture Department, Mantralaya,)
Mumbai -32.)
 3. **The Secretary,**)
Maharashtra State Public Service Commission,)
Maharshi Karve Road, Kuprej, Mumbai.)
- ..RESPONDENTS**

APPEARANCE : Shri Vivek U. Rahtod, Advocate for the
Applicants.

: Shri M.S. Mahajan, Chief Presenting Officer for
respondents.

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
AND
Shri Bijay Kumar, Member (A)
Reserved on : **14.07.2022.**
Pronounced on : **21.07.2022.**

ORDER

(Per : Shri Bijay Kumar, Member (A))

1. This Original Application has been filed by the two applicants jointly invoking provisions of S 19 of the Maharashtra Administrative Tribunals Act, 1985, challenging the validity of the advertisement bearing no. 017/2022 dated 18.02.2022 issued by the respondent No. 3 i.e. the Secretary, Maharashtra Public Service Commission, Mumbai.

2. The applicants had also filed a Miscellaneous Application No. 133/2012 in this Original Application on 15.03.2022 seeking leave to sue jointly, which was granted vide Oral Order of this Tribunal on 30.03.2022.

3. Brief facts of the matter are that-

(a) The applicants are Agriculture Engineering graduates and are aspirants to get selected on the three posts, namely, of 'Deputy Director, Agriculture & others, Group-A'; 'Taluka

Agriculture Officer & Others, Group-B’ and *‘Agriculture Officer & others, Group-C*’, which have been placed under category of *‘Maharashtra Gazetted Technical Services*’. Maharashtra Public Service Commission (in short, “**MPSC**”) has published advertisement No. 017/ 2022 on 18.02.2022 inviting applications for the said posts. The recruitment process included Preliminary Examination, Main Examination and Interview. The last date for submitting application for preliminary examination was 14.03.2022. Syllabus for the Preliminary and Main Examinations were notified on 11.02.2022.

(b) Coverage of subjects and distribution of marks as applicable to old scheme of Main Examination of year 2011 and new scheme of Main Examination 2022 are shown TABLE –A. It may be noticed that under the revised scheme, Compulsory Paper covers only items of General Agriculture or General Knowledge relating to agriculture, which is neutral of fields of education at Degree Level such as B.Sc. (Agriculture) or B. Tech (Agricultural Engineering), B.Sc. (Forestry Science) etc.

(c) The applicants had made representations to the Principal Secretary, Agriculture, Government of Maharashtra and the Chairman, MPSC on 16.02.2022 and a few Ministers in State Government to highlight their grievance. As the Preliminary Exam was scheduled on 30.04.2022 and the Main Examination is scheduled on 09.10.2022, the O.A. has been filed without waiting for decision by authorities on their representations as required under Section 20 of the Administrative Tribunals Act, 1985, due to urgency of the matter.

4. The applicants have sought relief in terms of para XI and XII of the Original Application, which are reproduced verbatim as follows:-

“XI. RELIEFS SOUGHT, IF ANY,

- A. *The applicants pray that this Hon’ble Tribunal to direct the respondent No. 3 to revise the syllabus and mark weightage of Maharashtra Gazetted Technical Services Competitive Examination published in the advertisement bearing no. 017/2022 dated 18.02.2022 pursuant to the agricultural engineering subject.*
- B. *The applicants pray this Hon’ble Tribunal to direct the respondent No. 3 to maintain the earlier syllabus and mark weightage of Maharashtra*

Gazetted Technical Services Competitive Examination pursuant to the agricultural engineering degree including its marks.

C. Any other appropriate relief may kindly be granted in favour of the applicant in peculiar facts and circumstances of the case in hand.

XII. INTERIM RELIEF IF ANY :-

A. Pending hearing and final disposal of this instant Original Application, Maharashtra Gazetted Technical Services Competitive Examination with regard to the impugned advertisement bearing no. 017/2022 dated 18.02.2022 and its syllabus published on 11.02.2022 may kindly be stayed.

B. Any other appropriate relief may kindly be granted in favour of the applicant in peculiar facts and circumstances of the case in hand.”

5. **Grounds for Seeking Relief** :- The grounds on which the applicants are seeking relief are essentially two; firstly, the impugned syllabus of agriculture engineering degree has effect of reduction of weightage from 280 marks to 16 marks which is demonstratively perverse, erroneous and per se illegal in nature and secondly, MPSC had framed syllabus for the Preliminary examination in the year 2021 and according to the original allocation of marks the main examination was intended to be on

earlier pattern in which the subject of Agricultural Engineering used to be independent optional with 200 marks. It is only at the time of issuing advertisement No. 017/2022 that the revised pattern was published in which marks of only 16 have been allocated for topics related to Agricultural Engineering. As a result the candidates with background of Agricultural Engineering are not going to get enough time to prepare as per new syllabus which is against the law settled by Hon'ble Apex Court and Hon'ble Courts.

6. **Pleadings and Final Hearing** :- Though all the 3 respondents had been duly served notices on 11.04.2022 and service affidavits to that effect have been filed on 19.04.2022, affidavit in reply has been filed on behalf of Respondent No. 3 only on 16.06.2022 which was taken on record and a copy thereof was supplied to the other side. Rejoinder affidavit was filed on behalf of the Applicants and the two sides argued the matter at the stage of admission itself. Thereafter, the case was closed for orders.

7. **Analysis of Facts:**

(a) From the facts on record and oral submissions made, following issues emerge which need to be analyzed

threadbare in order to draw conclusion regarding merit in the Original Application. The issues that have emerged are taken up for analysis as follows :-

Issue No. 1 -Whether MPSC is competent to frame Schemes for holding a Competitive Examination for recruitment or for introducing modification therein?

Analysis and Finding - Rule (4) (3) of The Maharashtra Public Service Commission Rules of Procedure, 2014 reads as follows :-

“4. Matters to be decided by the Commission- The following matters shall be decided by the Commission :-

(1).....

(2)

(3) *Any case in which a decision is required to be taken regarding framing of Schemes for holding a Competitive Examination for Recruitment or Departmental Examination or their modification;*

(4).....

.....

(10)”

Findings: Upon considering rule provisions, we are of considered opinion that the MPSC is competent to frame

scheme or examination by modifying the then existing scheme.

Issue No. 2- Whether candidates from multiple disciplines are eligible to appear in the competitive examination based on principle of equivalence? If so, then which are the disciplines from which candidates can apply for getting appointment on the post advertised?

Analysis and Finding: Clause 7.5.2 of the advertisement No. 017/2022 issued by MPSC clearly shows that graduates from six academic streams, equivalent to B.Sc. (Agriculture), are eligible to be appointed on the posts so advertised. For ready reference, the said clause is quoted below :-

“७.५.२ महाराष्ट्र कृषिसेवा :-

- (१) मान्यताप्राप्त संस्थेकडून कृषि किंवा कृषि अभियांत्रिकी अथवा उद्यानविद्या या विषयातील पदवी किंवा त्याच विद्याशाखेतील अन्य कोणतीही समतुल्य अर्हता.
- (२) प्रस्तुत भरतीकरीता शासन निर्णय, कृषि, पशुसंवर्धन, दुग्धव्यवसाय विकास व मत्स्यव्यवसाय विभाग. क्रमांक : आकृवि-१२११/प्रक २०८/१५ए, दिनांक ७ सप्टेंबर, २०११ अन्वये खालील शैक्षणिक अर्हता बी.एसस्सी (कृषि)/बी.टेक (कृषि अभियांत्रिकी) व तत्सम पदच्यांशी समतुल्य म्हणून मान्य केल्या आहेत :-

- (१) बी.एसस्सी (कृषि जैव तंत्रज्ञान) (२) बी.एसस्सी (कृषि व्यवसाय व्यवस्थापन)
 (३) बी.एसस्सी (गृह विज्ञान) (४) बी.टेक (अन्नतंत्र)
 (५) बी.एफ. एसस्सी (६) बी.एसस्सी (उद्यानविद्या)”

Issue No. 3- Inputs from which academic discipline can be associated more with Role & Responsibilities attached to the posts advertised for recruitment?

Analysis: From the submissions made by the parties, it may be inferred that the Department of Agriculture, Animal Husbandry, Dairy & Fisheries has separate set of filed staff / subject matter experts for the fields of Agriculture, Animal Husbandry, Dairy and Fisheries. However, for the purpose of promoting integrated farming, technical staff of agriculture department must have basic knowledge of Animal Husbandry, Dairying and Fisheries. Therefore, small input of these fields of knowledge is tested for selection of candidates for the post of Deputy Director, Taluka Agriculture Officer and Agriculture Officer. As there is no separate technical department for Food Processing, Bio-Technology, Food Micro Biology, Food Chemistry, Agri-Business, Crop Insurance etc., and responsibility in respect of them is required to be discharged by functioning of Agriculture Department, there is a complete justification for introduction of these topics in the Scheme of Examination.

Finding - Based on above analysis, in our considered opinion, the inputs from academic discipline of B.Sc.

(Agriculture and Biotechnology) is predominantly associated with the role and responsibility attached to the posts advertisement for recruitment. Therefore, modified scheme of competitive examination for the posts under Maharashtra Gazetted Technical Services reflects a pragmatic approach to take care of broader objective of integrated farming. It addresses the main objective of recruitment process.

Issue No. 4- Whether expert have been consulted for finalizing syllabus and weightage to various equivalent academic disciplines for the competitive examination?

Analysis and Finding: it is admittedly; that MPSC has consulted experts from all the four agriculture universities in the State and consolidated recommendations of expert committee has been duly approved by MPSC.

Issue No. 5- Whether publication of syllabus and weightage in the month of February 2022 for the Main Examination to be held in the month of October 2022 is prejudicial to candidates from any particular academic discipline?

Analysis: It may be noticed from TABLE-A of this Order that modifications made in syllabus of Paper-1

(Compulsory Paper) of 200 marks is neutral to any academic stream as now it covers topics like Basics of Agriculture (concept, branches, consumption trend, Govt. procurement, ecology, concept of rural areas, rural economy, precision agriculture, geo informatics, Nano-technology, Land related Laws (land revenue code, tenancy act etc., agriculture related acts), Agricultural Schemes, Agricultural Related General Knowledge and Current Affairs. It is also evident that the incorporation of topics relating to sun-rise areas like food technology, agri-business management, agricultural finance, crop insurance, women in agriculture etc. and giving increased weightage to subjects which facilitate integrated farming is a positive step. The fact remains that the applicants with Agricultural Engineering background may have to make preparation for these topics which are not alien to the stream of agricultural engineering. In the present matter, modified scheme has been announced in the month of February 2022 whereas the Main Examination is scheduled in October 2022. Applicants have referred to an announcement dated 16.06.2021 made by MPSC stating that a revised scheme and syllabus for holding a Common

Preliminary Recruitment Examination for three cadres under Maharashtra Gazetted Technical Services has been prepared. It was further stated that no change in scheme and syllabus for the Main Examination has been effected. The applicants have contended that this announcement was misleading. On the other hand, the MPSC has submitted that the said announcement was applicable for Preliminary Examinations to be held for Maharashtra Gazetted Technical Services for which advertisement would have been issued in the year 2021, whereas, advertisement in the present matter was issued in February 2022. The announcement does not convey message that there would not be any revision / modification in syllabus for Main Examination to be held after year 2021. For ready reference, the main part of the announcement made by MPSC on 16.06.2021 is quoted below:

“- घोषणा -

विषय :- महाराष्ट्र राजपत्रित तांत्रिक सेवा संयुक्त (पूर्व) व (मुख्य) परीक्षेच्या परीक्षा योजना व अभ्यासक्रमाबाबत

‘महाराष्ट्र राजपत्रित तांत्रिक सेवा’ या परीक्षेमध्ये महाराष्ट्र वन सेवा, महाराष्ट्र कृषी सेवा व महाराष्ट्र अभियांत्रिकी सेवा या सेवतेतील पदे समाविष्ट असून या तीनही संवर्गातील भरतीकरीता यापुढे ‘महाराष्ट्र राजपत्रित तांत्रिक सेवा संयुक्त पूर्व परीक्षा’ या नावाने एकच संयुक्त पूर्व परीक्षेचे आयोजन करण्याबाबत आयोगाकडून दिनांक १८ डिसेंबर, २०२० रोजी प्रसिध्दीपत्रक प्रसिध्द करण्यात आले आहे.

२. आयोगाच्या दिनांक १८ डिसेंबर, २०२० रोजीच्या प्रसिध्दीपत्रकातील तरतुदींच्या अनुषंगाने 'महाराष्ट्र राजपत्रित तांत्रिक सेवा संयुक्त (पूर्व) परीक्षेकरीता' परीक्षा योजना व अभ्यासक्रम नव्याने तयार करण्यात आला आहे.
३. 'महाराष्ट्र राजपत्रित तांत्रिक सेवा संयुक्त पूर्व' परीक्षेत समाविष्ट असलेल्या संवर्गाकरीता (महाराष्ट्र वन सेवा, महाराष्ट्र कृषी सेवा व महाराष्ट्र अभियांत्रिकी सेवा) मुख्य परीक्षा स्वतंत्रपणे घेण्यात येतील. तसेच मुख्य परीक्षेच्या परीक्षा योजना व अभ्यासक्रमात कोणताही बदल करण्यात आलेली नाही.
४. 'महाराष्ट्र राजपत्रित तांत्रिक सेवा' पूर्व व मुख्य परीक्षेची परीक्षा योजना व अभ्यासक्रम उमेदवारांच्या महितीकरीता आयोगाच्या www.mpsc.gov.in या संकेतस्थळावर प्रसिध्द करण्यात आला आहे.
५. महाराष्ट्र राजपत्रित तांत्रिक सेवा संयुक्त पूर्व परीक्षेची परीक्षा योजना व अभ्यासक्रम सन २०२१ मध्ये प्रसिध्द होणा-या जाहिरातीपासून लागू राहिल."

Findings: Upon considering above facts we are of opinion that the decision of MPSC to modify scheme and syllabus for the Common Preliminary and Main Competitive Examination which was advertised in the month of February 2022 cannot be said to be perverse, malafide or illegal. Further, issue of notification of syllabus for the Main Examination along with advertisement for Preliminary as well as Main Examination in February 2022 cannot be said to be prejudicial to the applicants as the announcement made by MPSC on 16.06.2021 was with respect to advertisement published in the year 2021. There seems to be no merit in claim that stream of Agricultural Engineering should continue to get higher weightage

compared to other streams, which have been notified by the respondents to be equivalent to B.Sc. Agriculture. Likewise, the claim of equal weightage for Agriculture Engineering as compared to B.Sc. (Agriculture) is not established in view of the Role and Responsibilities of the posts advertised for recruitment.

Further, we cannot be oblivious of the fact that there may be several candidates, who may be preparing themselves on the syllabus introduced in February, 2022. Present is the O.A. filed only by two applicants. Grievance raised by them is individual and cannot be accepted in representative capacity. To pass any order at this juncture to revise the syllabus and mark weightage would definitely have adverse effect on the said candidates that too without hearing them. For this reason also, we are not inclined to accept the prayers of the applicants.

8. **Conclusion** :- Upon considering facts on record, oral submissions made and findings above analysis made, we are of considered opinion that the Original Application No. 299 of 2022 is devoid of merit and therefore, following order is passed :-

ORDER

- (A) Original Application No. 299 of 2022 is dismissed for being devoid of merit.
- (B) No order as to costs.

MEMBER (A)**VICE CHAIRMAN**

Kpb/D.B. O.A. 264 with 282 both of 2021 PRB & BK Appointment

TABLE-A
COMPARATIVE SHEET FOR MARKS DISTRIBUTION FOR MAIN
EXAMINATIONS

(YEAR 2011 Vs. YEAR 2022)

Sr. No.	EXAMINATION 2011	EXAMINATION 2016
Paper 1	Compulsory Paper: Agriculture Science- (200 Marks)	Compulsory Paper: General Agriculture- (200 Marks)
	i. Agronomy-80 Marks ii. Soil Science- 40 Marks iii. Agricultural Engineering-80 Marks	i. Basics of Agriculture (concept, branches, consumption trend, Govt. procurement, ecology, concept of rural areas, rural economy, precision agriculture, geo informatics, Nano-technology etc.- 120 Marks ii. Land related Laws (land revenue code, tenancy act etc)- 10 Marks iii. Agriculture Related Acts- 10 Marks iv. Agricultural Schemes -10 Marks v. Agricultural Related General Knowledge and Current Affairs- 50 Marks
Paper- 2	Optional-1: <u>Agriculture: 400 Marks</u> i. Agricultural Botany- 80 Marks ii. Plant Protection Entomology- 40 Marks iii. Plant Protection Pathology-40 Marks iv. Horticulture-80 Marks v. Agricultural Extension- 60 Marks vi. Agricultural Economics-40 Marks vii. Animal Husbandry-20 Marks viii. Dairying- 20 marks ix. Food Science- 20 Marks	<u>Agricultural Science and Technology- 200 Marks (No Optionals)</u> i. Agriculture- 128 Marks <ul style="list-style-type: none"> • Agronomy • Agricultural Botany • Soil Science & Agricultural Chemistry • Animal Husbandry & Dairy Science • Agricultural Economics • Agricultural Extension • Agricultural Entomology • Plant Pathology ii. Agricultural Engineering- 16 Marks <ul style="list-style-type: none"> • Irrigation and Drainage

	<p>Optional-2: <u>Agricultural Engg.- 400 Marks</u></p> <p>i. Farm Power & Farm Machinery- 80 Marks ii. Agricultural Process Engineering- 80 Marks iii. Electrical & Other Energy Sources- 40 Marks iv. Farm Structures-20 Marks v. Soil & Water Conservation Engineering- 120 Marks vi. Irrigation & Drainage Engineering- 60 Marks</p>	<p><i>Engineering</i></p> <ul style="list-style-type: none"> • <i>Soil & Water Conservation Engineering</i> • <i>Farm Power and Machinery</i> • <i>Agricultural Process Engineering</i> • <i>Unconventional Energy Sources & Electrical Engineering</i> • <i>Farm Structures</i> <p>iii. Horticulture- 16 Marks iv. Agricultural Bio-Technology- 10 Marks v. Agricultural Food Technology- 16 Marks</p> <ul style="list-style-type: none"> • <i>Food Micro Biology</i> • <i>Food Chemistry</i> • <i>Methods of Processing</i> <p>vi. Agriculture Business Management- 06 marks</p> <ul style="list-style-type: none"> • <i>Agricultural Finance and Insurance</i> • <i>Food Business Management</i> • <i>Agribusiness Project Management</i> <p>vii. Fisheries Science- 04 Marks viii. Home Science- 04 Marks</p> <ul style="list-style-type: none"> • <i>Food Science and Human Nutrition</i> • <i>Resource Management and Consumer Science</i> • <i>Textile and Apparel Designing</i> • <i>Women in Agriculture</i>
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