

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 426 OF 2015

DIST. NANDURBAR / DHULE

Rupali D/o Sanjay Pawar,

Age: - 24 years, Occ.: - Nil,
R/o. 8-B. Vijay Police Colony,
Wadi Bhokar Road, Dhule,
Tq. & Dist. Dhule.

..

APPLICANT

V E R S U S

- 1] **The State of Maharashtra,**
(copy to be served on C.P.O.,
Maharashtra Administrative Tribunal,
Bench at Aurangabad)
- 2] **The Commissioner,**
Nashik Division, Nashik.
- 3] **The Chairman,**
District Selection Committee,
@ Collector, Nandurbar.
- 4] **The Member / Secretary,**
District Selection Committee,
@ Deputy Collector, Nandurbar.

.. **RESPONDENTS**

APPEARANCE : Shri J.M. Wagh, learned Advocate for the applicant.
: Shri N.U. Yadav, learned Presenting Officer for the res.

CORAM : **JUSTICE M.T. JOSHI, VICE CHAIRMAN**
AND
ATUL RAJ CHADHA, MEMBER (A)

DATE : **13.12.2018**

ORDER

[Per : Atul Raj Chadha, Member (A)]

1. Heard Shri J.M. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.
2. An advertisement was published on 15th May, 2014 for filling up of 15 posts of Talathis in Nandurbar District. Two posts were reserved for Schedule Tribe and one each for V.J.A category and Nomedic Tribes. Out of the remaining eleven posts for Open category, three posts were reserved for Woman.
3. The Applicant applied for the post reserved for Woman in Open category. The Respondent Nos. 3 & 4 published a temporary selection list on 30th July, 2014 in which the Applicant was at Sr. No. 03. The grievance of the Applicant is that she has not received appointment order. The Applicant further submits that the State Government issued a Circular / Resolution on 9th June, 2014 due to which she was held ineligible. The main ground of the Applicant is that once the selection process had started no further extra qualification can be added to the qualifications issued in the original advertisement. Accordingly, the Applicant has prayed that the Respondents be directed to appoint her and the Government Resolution dated 9th June, 2014 be quashed & set aside.

4. The Respondents while opposing the Original Application have neither disputed about the candidature of the Applicant nor the fact that she was included at sr. no. 3 in the temporary select list dated 30th July, 2014. However, Respondents have drawn the attention of the Tribunal that the Government of Maharashtra issued a policy decision on 9th June, 2014 that the posts of Talathi in the Scheduled Areas must be filled up by the candidates of Schedule Tribes residing in the Scheduled areas and the said Notification was made effective from the date of publication in the Government Gazette. Hence, the Applicant cannot be considered for appointment in the Scheduled Areas. At the relevant time, out of 234 posts, 197 posts were from the Scheduled Areas and 37 posts were from Non-scheduled Areas. In the Non-scheduled Areas only 8 posts were vacant, out of which two were for S.C., one for S.T. and only five were for Open category. Accordingly, the vacancies notified originally got changed. A revised select list was published on 22nd June, 2015 in which the name of the Applicant was not included and accordingly the Applicant was not given appointment letter.

5. The Respondents have every right to change the vacancies and reservations before the actual appointments are made. In fact, the Government of Maharashtra's Resolution dated 9th June, 2014 though issued after the advertisement, but was made effective from the date of issuance even prior to publication of temporary selection

list on 30th July, 2014. In fact the inclusion of name of applicant in the temporary selection list was wrong.

6. In view of above, the Original Application is dismissed with no cost to either of parties.

(ATUL RAJ CHADHA)
MEMBER (A)

(M.T. JOSHI)
VICE CHAIRMAN

Place : Aurangabad

Date : 13.12.2018

ARJ O.A. NO. 426-2015 D.B. (APPOINTMENT)