

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 460 OF 2015

DIST. : AURANGABAD

Pathan Kausar Khan Farid Khan,)
Age. 24 years, Occ. Home Guard,)
R/o Kalaswadi Post Brahmni,)
Tq. Kannad, Dist. Aurangabad.)-- **APPLICANT**

VERSUS

1. The State of Maharashtra,)
Through its Secretary,)
Forest Department,)
Mantralaya, Mumbai.)

2. Regional Selection Committee)
Forest Department,)
Through its President Chief)
Conservator Officer,)
Infront of H.S.C. Board,)
Railway Station Road,)
Aurangabad.)

3. Regional Selection Committee)
Forest Department,)
Through its Secretary Dy. Chief)
Conservator of Forest Officer)
Aurangabad.)
Infront of H.S.C. Board,)
Railway Station Road,)
Aurangabad.) -- **RESPONDENTS**

APPEARANCE :- Shri Kiran M. Nagarkar, learned Advocate
for the applicant.
: Shri N.U. Yadav, learned Presenting Officer
for the respondents.

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

DATE : 31st January, 2019

JUDGMENT

(Per : Justice M.T. Joshi, Vice Chairman)

1. Heard Shri Kiran M. Nagarkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By filing present Original Application, the applicant is claiming following reliefs :-

“(B) To quash and set aside the impugned corrigendum dated 23.7.2015 issued by the respondent authority and give the appointment in favour of the present petitioner for the post of Forest-guard in view of the facts and circumstances mentioned in the original application and in the interest of justice.

(C) To direct the respondent authority to correct the category of petitioner from Anshkalin category to home-guard category as per notice dated 16.5.2015 issued by respondent authority for the purpose of objection and correction which is corrected in case of other 4 candidate as per corrigendum dated 9.4.2015 wherein the name of candidate is change from Sasane Supriya Mahadev to Sarkate Mira Brahamaji and name of 3 candidate change the caste column namely Dandekar Ravi Baburao, Dandekar Kundan Baburao and Dandekar Mangala Baburao in view of the facts and circumstances and mentioned in original application and in the interest of justice.”

3. Shri Nagarkar, learned Advocate submits that the present applicant has wrongly mentioned in the application form that he should be considered from horizontal reservation meant for earlier

part time Government employees and it should have been in the category of Home-Guard. In the circumstances, the impugned decision of the respondent dtd. 23.7.2015 (Annex. XVI page 56) that the present applicant cannot be considered from part time Government employees category as he does not have any documentary evidence in this regard, should be quashed and set aside.

4. Learned P.O. submits that as per the conditions of the advertisement, reservation cannot be changed once option is given by the candidate in the application form.

5. However, without adverting to the rival claims of both the sides, upon going through the table mentioned in the advertisement regarding vacancies to be filled in for the concerned Aurangabad region, it reveals that, no posts from the category of Home-Guard were to be filled in. Therefore, even if prayer of the applicant is accepted the same would be meaningless.

6. In view of above, the present Original Application is dismissed without any order as to costs.

(ATUL RAJ CHADHA)
MEMBER (A)

(M.T. JOSHI)
VICE CHAIRMAN

Place : Aurangabad

Date : 31.1.2019

ARJ-O.A.NO. 460-2015 D.B. (APPOINTMENT)