

ORIGINAL APPLICATION NO. 564 OF 2024
(Ajitkumar S. Khansole Vs. State of Maharashtra & Ors.)
(Vacation Court) (D.B.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 06.06.2024

ORAL ORDER :

Heard Shri R.J. Nirmal, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Leave to correct the prayer clause 13(C) and also in the body of the application to the extent of nomenclature of the post which is written as "Superintendent (psychosis)" instead of "Superintendent Social Service (Psychiatric)".

3. In view of the oral directions given in the order dated 03.06.2024, learned Presenting Officer has taken instructions in writing. Learned P.O submits a copy of communication dated 04.06.2024 before this Tribunal. Same is taken on record and marked as document 'X' for identification.

4. It appears that the respondent No. 3 by order dated 28.05.2024 has declared the applicant as ineligible on verification of the documents

//2//

O.A. No. 564/2024

particularly the educational qualification certificate. It has been specifically stated in the said communication that as per the advertisement, the educational qualification is "two years fulltime Master of Social Work (MSW) with Medical and Psychiatric Social work specialization" or "degree in Master of Social Work with Psychiatry as one of the subjects from recognized University".

5. Undisputedly, the applicant possesses the degree in Master of Social Work with Psychiatry as one of the subjects. It seems that the respondent No. 3 has raised an objection only to the extent that the applicant has not obtained fulltime degree in Master of Social Work with Psychiatry as one of the subjects from recognized University. According to the respondent No. 3, the applicant has obtained the aforesaid degree by Distance Education advanced by Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya, Wardha and as such, the applicant has not obtained the fulltime degree in the aforesaid subject.

6. On careful perusal of the advertisement dated 15.03.2023 particularly column No. 21, prima-facie, it appears that the prefix "two years fulltime" is

//3//

O.A. No. 564/2024

applied to the first qualification i.e. "two years fulltime Master of Social Work (MSW) with Medical and Psychiatric Social work specialization" and so far as degree possessed by the applicant is concerned i.e. degree in Master of Social Work with Psychiatry as one of the subjects, the said prefix of "Two years fulltime" is not mentioned.

7. Learned counsel for the applicant has pointed out that the applicant is the candidate selected for the aforesaid post from EWS (General) category and other two persons as mentioned in the Provisional Selection List are kept in waiting list. Learned counsel has further pointed out that the as per provisional certificate issued by the aforesaid University, the applicant has obtained the said degree in First Division and further in the selection process for the aforesaid post, he stood first in the Provisional Selection List.

8. Thus, considering the above, though initially this Tribunal has orally directed to the respondent authorities not to proceed further in terms of the Provisional Selection List, however considering the communication dated 04.06.2024 now placed before

//4//

O.A. No. 564/2024

this Tribunal by the learned Presenting Officer, interim relief in terms of prayer clause 14(A), which reads as under is hereby granted till the next date of hearing :-

*"14(A) During pendency of present original application, the respondent authority may be directed to not appoint as per the provisional selection list dated 13.02.2024 from EWS (general) category who are in waiting list at **ANNEXURE-4**"*

9. Issue notice to the respondents, returnable on 12.06.2024.

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

11. 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.

12. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

//5//

O.A. No. 564/2024

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

13. 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.

14. S.O. to 12.06.2024.

15. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)