

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 719 OF 2017**

**DISTRICT: - JALNA.**

**Shri Sainath s/o Laxman Todkar,**  
Age: 35 years, Occ. Group Instructor  
(Contract Basis), Industrial Training  
Institute, Ambad, District Jalna. ...

**APPLICANT**

**V E R S U S**

1. State of Maharashtra,  
Through the Secretary,  
Higher & Technical Education Department,  
(New Skill Development & Entrepreneurship)  
Mantralaya, Mumbai-400 032.
2. The Director/Chairman of  
Selection Committee for recruitment  
of Group 'C' & Group 'D'  
Vocational Education and Training,  
Mumbai – 400 001.
3. The Joint Director,  
Vocational Education & Training,  
Aurangabad.
4. The Incharge Assistant Director  
(Technical), Vocational Education &  
Training, Regional Office,  
Aurangabad.
5. The Principal,  
Industrial Training Institute,  
Ambad, District Jalna. ...

**RESPONDENTS**

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**APPEARANCE** : Shri J.B. Choudhary, learned Advocate  
for the applicant.

: Mrs. Priya R. Bharaswadkar –  
learned Presenting Officer for the res.

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**CORAM : JUSTICE M.T. JOSHI, V.C.  
AND  
SHRI ATUL RAJ CHADA, MEMBER (A)**

**DATE : 19<sup>TH</sup> JULY, 2018**

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**J U D G M E N T**

**[Per : Justice M.T. Joshi, V.C.]**

1. Heard Shri J.B. Choudhary, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.
2. By the present Original Application the applicant seeks quashment of the decision of the respondent Nos. 2 & 3 disqualifying the present applicant for selection to the post of Senior Clerk on the ground that he does not hold the requisite qualification as per the advertisement.
3. The advertisement for the post of Senior Clerk *inter alia* provides that the candidate shall hold, experience for not less than 1 year in administrative matters and / or accounts work in a govt. office or undertaking or a commercial establishment.
4. The applicant placed the experience certificate. Copy of the same is at Annexure 'A-3', page-32. The said certificate is issued by the Principal of Industrial Training Institute, Ambad,

Dist. Jalna. It would show that the present applicant was working on contract basis for a period of three years with the said Institute, as a Group Instructor and he had experience of supervisory nature.

5. By the impugned letters, the concerned respondents held that since the applicant does not have experience in administrative matter and / or account work, he cannot be selected.

6. In respect of these submissions, the respondents have filed on record the Training Manual for Industrial Training Institutes and Centres (Page-60 of the O.A.). At page-61 to have the duty list of the Group Instructor i.e. the post of which the present applicant has experience. The duties are as under:-

**“(b) Group Instructor** The Group Instructors should ensure that :

1. proper coordination is maintained in all the sections and the training programme is carried out efficiently, by personal close check and inspections;
2. the tests are regularly carried out, the trainees’ work is correctly assessed, and proper record is kept in the progress cards;

3. raw material requirements of the sections are prepared well in advance to enable supply to be arranged in time;
4. safety precautions are observed in the workshop; and
5. the sections function strictly according to the time schedule laid down and proper discipline maintained.

The Group Instructor will also conduct model lessons in his own or connected subjects.

The Group Instructor will also carry out any additional work entrusted to him by the Principal.”

7. It was, therefore, submitted by the learned P.O. for the respondents that since the Group Instructors' duties are not administrative in nature and / or there is no iota of account work in the said duty, the applicant cannot be considered for selection. The learned Advocate for the applicant submits that the Group Instructor has to carry administrative work.

8. Upon hearing both the sides, in our opinion the decision of the concerned respondents cannot be faulted with. The post of Senior Clerk requires experience according to the advertisement in administrative matters and / or in account work. The certificate itself would show that the work of the present applicant was of supervisory in nature. The duties as detailed supra of the Group Instructors are also coordination

and supervisory in nature. In the circumstances, the following order: -

**ORDER**

The present Original Application is hereby dismissed without any order as to costs.

**ATUL RAJ CHADHA  
MEMBER (A)**

**M.T. JOSHI  
VICE CHAIRMAN**

**PLACE : AURANGABAD.**

**DATE : 19<sup>TH</sup> JULY, 2018.**

O.A.NO.719-2017 (DB)-HDD-2018 / Selection