

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
CIVIL APPLICATION NO. 493/2019 IN
ORIGINAL APPLICATION ST. NO. 2649 / 2019 (D.B.)

Dr. Rajendra Ramchandra Chaudhari,
Aged about 44 years, Occupation:-Associates Professor,
Mechanical Engineering Department, Government Engineering College,
Nagpur, R/o Mihan Punarvasan Colony, Khapari, Nagpur-441 108.

Applicant.

Versus

- 1) Maharashtra Public Service Commission,
Through it's Secretary, Bank of India Building,
3rd Floor, M.G.Road, Hutatama Chowk,
Mumbai- 400 023.
- 2) The State of Maharashtra,
Through its Principal Secretary,
Higher and Technical Education Department,
4th Floor, Mantralaya, Mumbai-400 032.

Respondents

Shri V.A.Kothale, the Id. Advocate for the applicant.

Shri M.I.Khan, the Id. P.O. for the respondents.

Coram :- Hon'ble Shri Shree Bhagwan, Vice Chairman.

JUDGMENT

Judgment is reserved on 25th January, 2021.

Judgment is pronounced on 05th February, 2021.

Heard Shri V.A.Kothale, Id. counsel for the applicant and Shri M.I.Khan,
Id. P.O. for the respondents.

2. The respondent no. 1 i.e. M.P.S.C. issued Advertisement No. 04/2014 to 11/2014 for allied post of Professor in Government Engineering Colleges in Engineering College, Education Service Group-A on 04.01.2014. Applicant participated in a recruitment process in O.B.C. Category vide Advertisement No. 11/2014.

3. According to respondent no. 1 prepared merit list of eight candidates on the basis of personal interview conducted on 15th and 16th October, 2014 and recommended the claim of 05 candidates who have scored marks above 41 out of 100 marks. It is submitted that respondent no. 2 proposed the correction showing the placement of appellant at serial no. 6 in the order of merit in O.B.C. Category by considering first four candidates from open category and candidate at Sr. No. 5 in O.B.C., Open Category, whereas candidate no. 6 i.e. applicant proposed to be placed in O.B.C., female category, in view of non availability of female category from O.B.C.. Thereafter again representation is given recently to respondent no. 1 on 11.12.2019 and requested for reconsideration of lawful claim of applicant for getting recommendation against the post of professor which is not considered till date. Hence, applicant is constrained to prefer present application for avoiding miscarriage of justice by keeping the fact that 8 posts of Professor disclosed in Advertisement vide Annexure-A-4, 3 posts are still vacant and there is no subsequent advertisement till date.

4. The advertisement was published by the M.P.S.C. on dated 04/01/2014 and merit list/select list was published in the year 2015. As per the rule any merit list remains valid for one year only. If the applicant is having any grievance regarding recruitment process; he should challenge the same within one year but the applicant has filed the O.A. St. No. 2649 in the year 2019, therefore there is a delay of about 06 years. The applicant has filed C.A. to condone of delay about 06 years. The said delay cannot be condoned because as per the guidelines of M.P.S.C. merit list is kept only for one year. Hence the C.A. is rejected and O.A. is liable to be dismissed.

5. In view of discussion in foregoing paras, there is no substance in relief clause of the O.A. and hence the following order:-

ORDER

1. The C.A. along with O.A. Stamp stand dismissed.
2. No order as to costs.

(Shri Shree Bhagwan)
Vice Chairman

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.
Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 05/02/2021.
and pronounced on

Uploaded on : 08/02/2021.