

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 705 OF 2012**

**DISTRICT : AURANGABAD**

Nasima w/o Bashir Nadaf  
@  
Nasima d/o Ilahi Nadaf,  
Age : 32 years, Occupation: House Hold,  
Waranawati, Tq. Shirala Dist. Sangali.

**...APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through the Secretary,  
Water Resources Department,  
Mantralaya, Mumbai.
2. The Member Secretary,  
Regional Selection Committee  
Grade-C Category,  
Water Resources Department,  
Aurangabad Division, Aurangabad  
@  
The Superintending Engineer,  
Vigilance Cell, Aurangabad  
Post Box No. 540, Behind High Court old Building,  
Snehanagar, Aurangabad, 431 005  
Phone – (0240) 2334746  
E-mail- se\_vigilance @bsnl.in
3. Maharashtra Knowledge Corporation Limited (MKCL)  
Through The Managing Director,  
MKCL's Registered Office,  
International Convention Centre, 'A' Wing, Pune  
ICC Trade Tower,  
'A' Wing, 5<sup>th</sup> Floor,  
Senapati Bapat Road,  
Shivajinagar, Pune 411 016,  
Maharashtra, India  
Tel No :+912040114500/4501  
Email : mkcl(@)mkcl.org

4. Sharmila Jankiram Ambure.  
Age-Major, Occupation – Kalwa Chowkidar,  
R/o – Hanuman Temple Mali Gali,  
Parbhani Tq. Parbhani, Dist. Parbhani-431401.

Notice serve to the respondent working with present posting address.

**Present posting Address.**

Executive Engineer, Purna Irrigation  
Division Basmat Nagar Purna.  
Sub-Division Purna, Dist.-Hingoli.

5. Manisha Eknath Patil,  
Age-Major, Occupation – Kalwa Chowkidar,  
R/o – 34, Girna Colony, Near Collector Office, Jalgaon  
Tq. Jalgaon, Dist. Jalgaon 425001

Notice serve to the respondent working with present posting address.

**Present posting Address.**

Executive Engineer, Jaykwadi  
Irrigation Division Nath Nagar  
(North) Paithan, Dist.-Aurangabad.

6. Durga Balasaheb Dudhare,  
Age-Major, Occupation – Kalwa Chowkidar,  
R/o – Near Maruti Mandir Mali Colony,  
Parbhani Tq. Parbhani, Dist. Parbhani-431401.

Notice serve to the respondent working with present posting address.

**Present posting Address.**

Executive Engineer, Jayakwadi Irrigation  
Division No. 2 Parbhani Karegaon  
Naka Jayakwadi Colony,  
Parbhani, Dist. Parbhani.

7. Deena Chandrashekhar Shiradkar,  
Age-Major, Occupation – Calwa Chowkidar,  
R/o – Palshidha Chayya Lokmanaya Nagar,  
PBNM Super Market Near Parbhani,  
Tq. Parbhani, Dist. Parbhani-431401.

Notice serve to the respondent working with present posting address.

**Present posting Address.**

Executive Engineer, Jayakwadi Irrigation  
Division No. 2 Parbhani Karegaon  
Naka Jayakwadi Colony,  
Parbhani, Dist. Parbhani.

8. Poonam Shrikrishna Lahase,  
Age-Major, Occupation – Calwa Chowkidar,  
R/o – Itape Lay-Out Chikali Road, Sundarkhed, Buldhana  
Tq. Buldhana, Dist. Buldhana-443001.

Notice serve to the respondent working with present posting address.

**Present posting Address.**

Sub-Divisional Engineer Irrigation  
Sub-Division No. 4, Georai Dist. Beed

**.....RESPONDENTS**

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**APPEARANCE** : Shri Milind Patil, Learned Advocate for the  
Applicant.

: Shri I.S. Thorat, learned Presenting Officer  
for the Respondent Nos. 1 & 2.

: None present for Respondent nos. 3 to 8.

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**CORAM:HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)**

**AND**

**HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 21-10-2016.**

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**ORDER**

**(Per : Shri Rajiv Agarwal (Vice-Chairman))**

Heard Learned Advocate Shri Milind Patil, for the  
Applicant and Learned Presenting Officer (P.O.) Shri I.S. Thorat,

for the Respondent Nos. 1 & 2. None for the Respondent nos. 3 to 8.

2. The Applicant had filed this O.A. seeking quashing of the recruitment process for the post of Kalwa Chowkidar initiated by the Respondent no. 2 pursuant to the Advertisement dated 3.1.2012. The Applicant is also seeking appointment as Kalwa Chowkidar by setting aside selection of the Respondent nos. 4 to 8.

3. Learned Advocate for the Applicant argued that the Respondent no. 2 issued an advertisement on 3.1.2012 for recruitment to the post of Kalwa Chowkidar. The Applicant participated in the selection process through the Respondent no. 3 viz. Maharashtra Knowledge Corporation Ltd. (MKCL). The applications were to be submitted online. The Applicant submitted her application online and also appeared for written examination. Though she was qualified to be called for interview, she never received any intimation, either on the website of MKCL or through post. The final list of selected candidates was published by MKCL on 27.7.2012. The Applicant represented to the Respondent no. 2 that candidates with less marks in written examination than the Applicant were called for interview, while

the Applicant was not. As no satisfactory reply was received, this O.A. has been filed. Learned Advocate for the Applicant argued that the Respondent deliberately did not publish notice for interview on the website of MKCL nor sent notice by post. The entire selection process was, therefore, vitiated. Learned Advocate for the Applicant stated that the Applicant has since been appointed as Kalwa Chowkidar in a subsequent selection process. However, the Applicant is claiming compensation for denying her opportunity for selection as Kalwa Chowkidar pursuant to advertisement dated 3.1.2012.

4. Learned Presenting Officer (P.O.) argued on behalf of the Respondent Nos. 1 and 2, that the Applicant had sought contradictory reliefs in this O.A. In relief clause 9(A) she is seeking quashing of the whole selection process, while in Clause 9(B), she is seeking appointment on the post of Kalwa Chowkidar. If the whole selection process is quashed, the question of appointing the Applicant does not arise. Learned Presenting Officer contended that now the Applicant is not pressing these reliefs and simply seeking compensation. However, that relief is not sought in the O.A. and therefore, cannot be granted to her.

5. We are in agreement with the submissions made by learned Presenting Officer. The relief of compensation was not sought by the Applicant in this O.A. and no such relief can be granted. The other reliefs can also not be granted as they are contradictory and in any case not pressed. This O.A. is disposed of accordingly with no order as to costs.

**J.D KULKARNI  
(MEMBER. J)**

**RAJIV AGARWAL  
(VICE-CHAIRMAN)**