

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 1159 OF 2022

DISTRICT : PUNE

- | | | |
|----|--------------------------------|------------------------|
| 1. | Swapnil V. Jadhav, |) |
| | At Post-Rittha, [Tanda], |) |
| | Tal-Kinwat, Nanded. |) |
| 2. | Shivraj Virbhadra Kantale, |) |
| | At Post-Avinash Colony, Waluj, |) |
| | Aurangabad. |)... Applicants |

Versus

- | | | |
|----|---|-------------------------|
| 1. | The Settlement Commissioner & |) |
| | Director of Land Record, |) |
| | Maharashtra State, 2 nd floor, |) |
| | Near Administrative Bldg, |) |
| | Opp. Vidhan Bhavan, Pune-1. |) |
| 2. | The State of Maharashtra, |) |
| | Through the Secretary, |) |
| | Ministry of Forest & Revenue, |) |
| | Mantralaya, Mumbai 400 032. |)... Respondents |

Shri S.S Gosavi, learned advocate for the Applicants.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Mrs Medha Gadgil (Member) (A)

DATE : 23.11.2022

PER : Justice Mridula Bhatkar (Chairperson)

J U D G M E N T

1. The applicants seek directions from this Tribunal that the Respondents be directed to debar the candidates who are holding Bachelor's Degree in Civil Engineering from the recruitment process for the post of Surveyor in view of the recruitment rules published in the Government gazette dated 17.12.2011. Further the Respondents be directed to consider the candidature to the post of Surveyor-cum-Clerk only from the candidates having qualification of two years Certificate Course of ITI in Surveyor and candidates having qualification of one and two years' Certificate Course of Surveyor from the Maharashtra State Board of Vocational Education Examination and other eligible candidates.

2. Learned counsel for the applicants submitted while answering to the preliminary objection of delay that applicants were busy in preparing for the examination. They have submitted written application to the Department with objection that the candidates holding Degree in Civil Engineering should not be allowed to appear for the examination and the applicants were hopeful that the Respondents will take positive steps and therefore, they have come before this Tribunal well in time. Learned counsel for the applicants submits that moreover the Respondents have violated the recruitment rules by allowing the candidates holding Degree in Civil Engineering to appear in the recruitment process for the post of Surveyor

3. Learned P.O has submitted that as per the Recruitment Rules the educational qualification of the candidate should be Diploma in Civil Engineering and not Degree in Civil Engineering. However, the candidates holding Degree are also allowed by issuing the Corrigendum. Learned P.O has submitted that pursuant to the advertisement dated 9.12.2021, 45800 applications were received for the post of Surveyor-cum-Clerk, out of which 15000 candidates were Degree Holders in Civil Engineering. Further the applicants should have filed written application at the initial stage when the advertisement was issued. Learned P.O has further submitted that in the year 2014 also the Department has allowed the Degree Holders in Civil Engineering to appear for the post of Surveyor and thereafter, now for the Examination of the year 2020-21 for which they are allowing the Degree Holders in Civil Engineering to appear for the post of Surveyor.

4. We have considered the submissions of the learned counsel for the applicant and the learned P.O. There is much substance in the submissions made by the learned P.O. In the Government Notification the educational qualification is mentioned as Diploma in Civil Engineering and subsequently by Corrigendum degree holders are allowed. However, the applicants should have raised the objections immediately after the advertisement was issued. It is very necessary to approach the Judicial Forum at the earliest when large number of candidates apply and participate in the selection process. Similarly large number of Government employees are deputed for conducting the examination and declaring the results. The applicants have filled the form on 18.12.2021 as the last date for filling the form was 2.1.2022. The applicants have approached this Tribunal on 18.11.2022. After the date of verification of the documents, it is found that verification

was done on 17.11.2022. The applicants have approached the Tribunal on 18.11.2022, i.e., 11 months after the date of filling the application form. The applicants are going to appear for the examination and if found meritorious they can be selected irrespective of Diploma or Degree holder and we do not find any legal right of the applicants are breached.

5. In view of the above, we find no merit in the Original Application and the same stands dismissed.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 23.11.2022
Dictation taken by : A.K. Nair.