

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 1173 OF 2017**

**DISTRICT : NASIK**

Shri Bharat Jibhau Borse )  
Working as Agriculture Servant, )  
[Krushi Sevak], At Post Tal-Satana, )  
Dist-Nasik. )  
R/o: Pratap Nagar, )  
Near Parijat Colony, Soyagaon, )  
Malegaon Camp, Tal-Malegaon, )  
Dist-Nasik. )...**Applicant**

**Versus**

1. The Divisional Joint Director )  
Agriculture, Nasik Division, )  
Nasik. )
2. The Commissioner for )  
Agriculture, [M.S], Pune, )  
Having office at Sakhar Sankul )  
Shivaji Nagar, Pune-5. )
3. The State of Maharashtra, )  
Through Principal Secretary, )  
Agriculture Department, )  
Mantralaya, Mumbai 400 032.)...**Respondents**

Shri B.A Bandiwadekar, learned advocate for the Applicant.

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

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

**DATE** : **20.02.2024**

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

1. The applicant prays that this Tribunal be pleased to hold and declare that the applicant is entitled for being granted deemed date of appointment to the post of Agriculture Servant [Krushi Sevak] w.e.f 1.2.2010, as against the actual date of appointment namely 2.2.2013 with all consequential service benefits.

2. Learned counsel has submitted that pursuant to the advertisement which was published in February 2009, the applicant applied for the post of Agriculture Servant under the Project Affected Persons category (PAP). Learned counsel has submitted that the applicant has secured 155 marks in the PAP category and the remaining five candidates from the PAP category have secured less marks i.e., 148, 140, 139, 137 & 136 respectively. In all total five vacancies were available for open PAP category persons. Learned counsel further submitted that considering his aforesaid total marks being 155, the applicant was expected to be given the appointment order by Respondent No. 1, to the said post of Agriculture Servant. However, the name of the applicant did not figure in the final select list of successful candidates prepared by Respondent No. 1. Learned counsel submitted that accordingly all the five candidates came to be issued the order of appointment to the said post by Respondent No. 1, on 12.2.2010. Learned counsel further submitted that the applicant approached the Hon'ble Bombay High Court by filing W.P 8426/2010. The Hon'ble High Court by order dated 10.1.2013

disposed of the Writ Petition believing the statement made in the affidavit in reply about some computer mistakes in the office of Respondent no. 1. Learned counsel submitted that thereafter on 2.2.2013 the order of appointment of applicant to the post of Agriculture Servant was issued by the Respondent No. 1. Learned counsel further submitted that thereafter a Corrigendum dated 28.2.2013 was issued by Respondent No. 1, thereby deleting clause No. 14 of the appointment order, which requires 3 years experience on the post of Agriculture Servant to be considered for regular appointment on the said post.

3. Learned counsel for the applicant relied on the affidavit in reply dated 19.9.2011 of Shri Krishna G. Jadhav, Assistant Administrative Officer in the office of Divisional Joint Director of Agriculture, Nasik, which was filed before the Hon'ble High Court in W.P 8426/2010. Learned counsel pointed out to para 7 of the said affidavit, wherein it is stated that the applicant forwarded his application along with requisite examination fees and also submitted Certificate of Project Affected Person. The applicant scored good marks. However, unfortunately as there was some computer mistake in the office of Respondent No. 1, the name of the applicant did not appear in the final list of selected candidates. Learned counsel for the applicant relied on the letter dated 21.2.2018 sent by Deputy Collector, Rehabilitation, Nasik to the Administrative Officer, Regional Agriculture Joint Director, Nasik Division, Nasik. This Certificate has one name Shri Shankar Bamaji Patil. Learned counsel submitted that Shankar is grandfather of the applicant. Applicant's name is Bharat Jibhau Borse. Learned counsel further submitted that Jibhau S. Borse is applicant's father. Learned counsel submitted that Patil surname is also to be read as Borse and Borse is to be read as Patil.

Learned counsel for the applicant relied on the affidavit dated 11.4.2005, with Borse and Patil that it is one surname.

4. Learned P.O relied on the affidavit in reply dated 2.5.2018 of Shri Mohan R. Wagh, Divisional Superintendent Agriculture Officer in the office of Divisional Joint Director of Agriculture, Nasik Division, Nasik and submitted that the Certificate of the applicant belonging to Project Affected Persons category is not genuine and it was sent for verification and initially no appointment order was issued in favour of the applicant. The appointment given to the applicant is only because of the order of the Hon'ble High Court dated 10.1.2013 in W.P 8426/2010 and without verifying his PAP Certificate. Learned P.O has submitted that it is now found that the PAP Certificate is bogus and therefore, he was not given deemed date of appointment and now the process of taking action against the applicant is under consideration of the appointing authority. Learned P.O, while dealing with para 7 of the affidavit in reply dated 19.9.2011 filed before the Hon'ble High Court in W.P 8426/2010, submitted that his name did not appear in the select list on account of computer mistake was a false submission and the Respondent-State has conducted departmental enquiry against the concerned officer and he was punished. Learned P.O pointed out to the letter dated 13.3.2018 issued by the Deputy Collector, Rehabilitation, Nasik to the Divisional Agriculture Joint Director, Nasik Division, Nasik. It shows the name of Shri Jibhau Shankar Patil and then there is a overwriting and applicant's father's name Shankar is erased and thus name of the present applicant is appearing on the Certificate.

5. After hearing both the sides and going through the relevant documents, it is difficult to accept that this particular P.A.P Certificate was issued in favour of the applicant. It is noticed that

originally Certificate issued to his father and then by overwriting and erasing the name, he made that Certificate of his own. On query we are informed by the learned P.O that the status of Project Affected Person is not perennial and it cannot be carried forward continuously and PAP can be claimed either of the Legal Heirs who are mentioned in the Format. We find that no case is made out by the learned counsel for the applicant to grant any relief.

6. We find no merit in the Original Application and the same is accordingly dismissed.

**Sd/-**  
**(Medha Gadgil)**  
**Member (A)**

**Sd/-**  
**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**  
**Date : 20.02.2024**  
**Dictation taken by : A.K. Nair.**