

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 1317 OF 2022**

**DISTRICT : PUNE**

Samreen Rafique Shaikh )  
Occ-Teacher, Residing at Survey No. 506 )  
Guruvar Peth, Pune 411 042. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through the Secretary, )  
General Administration Department )  
Mantralaya, Mumbai 400 032. )  
2. The Secretary, )  
Maharashtra Public Service )  
Commission, 5<sup>th</sup>, 7<sup>th</sup> & 8<sup>th</sup> floor, )  
Cooperage Telephone Exchange, )  
M.K Marg, Cooperage, )  
Mumbai 400 021. )...**Respondents**

Ms Mahalakshmi Ganapathy a/w Ms Savani Vaze, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

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

**DATE** : **14.02.2023**

**PER : Justice Mridula Bhatkar (Chairperson)**

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

1. The applicant prays that the Respondent no. 2, be directed to consider the applicant's appointment under the reserved category (OBC) for the post of Assistant Professor (Biochemistry).

2. The applicant pursuant to the advertisement dated 13<sup>th</sup> August, 2021 applied for the post of Assistant Professor (Biochemistry). The applicant applied for the said post under the OBC Category. The last date of submission of application was 7.9.2021 and the applicant applied for the Non-Creamy Layer Certificate on 1.9.2021. The applicant got the NCL Certificate on 28.9.2021. The applicant was called for interview on 29.8.2022 vide interview letter dated 8.8.2022. Learned counsel for the applicant relied on the judgment of this Tribunal dated 30.11.2016 in O.A 659/2016, Shri Kishor N. Deshmukh Vs. The State of Maharashtra & Ors.

3. We have perused the N.C.L Certificate at page 27, wherein the date is mentioned as 1.9.2021 and it was issued on 25.9.2021. As the application for N.C.L Certificate was made before the last date of submission of application form, i.e., 7.9.2021 and thereafter the Certificate was issued on 25.9.2021, we hold that the N.C.L Certificate which was produced on 8.8.2022 at the time of interview is to be considered as valid N.C.L Certificate. Accordingly, the case of the applicant is to be considered in the category of O.B.C General. We have already inquired and it is informed to us by the Respondent-M.P.S.C that one post Assistant Professor (Bio-Chemistry) in the category of OBC General is vacant as they could not get the candidate from the said category. The

last candidate from OBC General category has secured 45 marks and whereas the applicant has secured 51 marks.

4. In view of the above we direct the Respondent no. 2, M.P.S.C to consider the case of the applicant for recommendation as Assistant Professor (Bio-Chemistry) from O.B.C General category within a period of two weeks.

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

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

**Place : Mumbai**  
**Date : 14.02.2023**  
**Dictation taken by : A.K. Nair.**