

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 181 OF 2019

DISTRICT : PUNE

Trupti Dattatray Pandhare)
Residing at Baramati, Tal-Baramati,)
Dist-Pune.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Director and Chairman)
Directorate of Forensic Science)
Laboratory, Govt. of Maharashtra,)
Vidyanagari, Kalina,)
Hansabhruga Marg, Santacruz [E],)
Mumbai 400 098.)
2. Sonali Hanumant Jadhav,)
C/o: State of Maharashtra,)
Through the Director and Chairman)
Directorate of Forensic Science)
Laboratory, Govt. of Maharashtra,)
Vidyanagari, Kalina,)
Hansabhruga Marg, Santacruz [E],)
Mumbai 400 098.)...**Respondents**

Smt Priti Walimbe, learned advocate for the Applicant.

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

CORAM : **Shri P.N Dixit (Vice-Chairman) (A)**
Shri A.P Kurhekar (Member)(J)

DATE : **19.11.2019**

PER : **Shri P.N Dixit (Vice-Chairman) (A)**

ORDER

1. Heard Smt Priti Walimbe, learned advocate for the Applicant and Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant has made a prayer as under:-

“10(a) This Hon’ble Tribunal be pleased to hold and declare that Clause no. 8.2 of the advertisement dated 25.3.2018 issued by the Respondent no. 1 is invalid, being violative of the Government Resolution dated 25.3.2013 issued by the Social Justice and Special Assistance Department.”

(Quoted from page 11 of the O.A)

3. The relevant advertisement has been issued on 24.3.2018. Para 8.2 of the advertisement at page 54 mentions that the applicant should be in possession of Non Creamy Layer Certificate for the period 2016-17 & 2017-18.

4. The Respondents have clarified in their affidavit in reply in para 11, which reads as under:-

“11. With reference to contents of Paragraph No. 5.13, I say that applicant submitted non creamy layer certificate year 2018-19. It is clearly mentioned in terms in the provisional merit list for document verification (Scientific Assistant Cyber Crime, Tape and Speaker) and terms and conditions of para no. 8.2, 12.11 and 12.12 of the advertisement that required documents as mentioned in advertisement would be required to be submitted at the time of document verification. It is further submitted that applicant signed and agreed that I am aware that I don’t have mentioned documents hence I will be disqualified for the same post at the time of document verification. Hereto annexed and marked as Exhibit “R-4” is the copy of document verification form (Scientific Assistant Cyber Crime, Tape and Speaker) signed by the applicant at the time of document verification on 30.10.2018. This indicates that applicant was totally aware about reason for her disqualification. It is further submitted that total 13 candidates including applicant were disqualified with same remark.”

(Quoted from page 69 of the O.A)

5. We have seen the N.C.L Certificate dated 2.6.2018, issued by the Sub Divisional Officer, Baramati, which is at Exh. E, page 18 of the O.A. This is for the period 2018-19. Obviously the applicant was not in possession of the N.C.L Certificate for the previous year, which ended on 31.3.2018 and hence his claim has been rejected as per the provisions of advertisement and rules.

6. In so far as clause No. 8.2 of the advertisement dated 25.3.2018, which interalia provides for production of N.C.L Certificate of 2016-17 and 2017-18 are concerned, material to show that as per G.R dated 25.3.2013, the crucial date is to determine whether the candidate fall in N.C.L is the last date of submission of the application. In the present case the last date of submission of application was 12.4.2018. As such, there should be Non Creamy Layer Certificate of preceding Financial Year, i.e. 2017-18, whereas, in the present case the N.C.L Certificate produced by the applicant is of the year 2018-19. Thus, even assuming that there should not be insistence for claiming N.C.L of two Financial years, the applicant's case is bound to fail as he did not possess N.C.L Certificate of crucial year, i.e. 2017-18.

7. Nothing is pointed out to declare condition no. 8.2 in the advertisement dated 25.3.2018 violative. We, therefore, see no merit in the Original Application.

8. For the reasons stated above, the Original Application is dismissed and it is without any merit. No order as to costs.

Sd/-
(A.P Kurhekar)
Member (J)

Sd/-
(P.N Dixit)
Vice-Chairman(A)

Place : Mumbai
Date : 19.11.2019
Dictation taken by : A.K. Nair.