

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 414 OF 2012**

**DISTRICT : SOLAPUR**

Smt Pallavi Anil Shelke )  
Occ : Senior Clerk, )  
R/at : Flat No. 806, Swami Vivekanand )  
Nagar, Hatture Wasti, Near Airport, )  
Solapur 413 224. )...**Applicant**

**Versus**

The Chairman / Secretary, )  
Maharashtra Public Service Commission, )  
Bank of India Bldg, 3<sup>rd</sup> floor, M.G Road, )  
Hutatma Chowk, Mumbai – 1. )...**Respondents**

Shri K.R Jagdale, learned advocate for the Applicant.

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

**CORAM : Justice Mridula R. Bhatkar (Chairperson)  
Shri P.N Dixit (Vice-Chairman) (A)**

**DATE : 22.03.2021**

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

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

1. Learned counsel submits that the pleadings are complete.  
The applicant prays that she be called for the interview

2. In this O.A the applicant working as Senior Clerk aspiring for the post of Deputy Director-Project Officer, Group-A, Tribal Development Department, seeks direction that she should have been called for interview which was scheduled on 3.5.2012. Learned counsel submits that applicant has 117 marks and the cut off marks for the post of Deputy Director was 105 marks. Thus the applicant has secured more marks than the cut-off marks and is having experience of working as Senior Clerk from 19.3.2008 to 6.9.2011. He further submits that the Respondents did not call her for interview because she was not having requisite administrative experience of 3 years. He submits that though in the affidavit in reply the Respondents have taken a stand that minimum 3 years administrative experience is required for the post, nowhere what is meant by administrative experience is defined. Learned counsel pointed out and relied on the duty list of the Senior Clerk. He submitted that this list shows that the Senior Clerk is also having the administrative experience and her experience should have been counted for the post of Deputy Director-Project Officer, Group-A, Tribal Development Department.

3. Learned C.P.O relied on the affidavit in reply dated 23.8.2012, filed by the Respondents through one Vivek S. Deshmukh, Desk Officer, M.P.S.C. Learned C.P.O submitted that the applicant herself has furnished the details of her experience on the post of Clerk and thus the applicant is having only Clerical experience and not administrative experience. Learned C.P.O pointed out to the advertisement dated 26.8.2011 and argued that in this advertisement, MPSC has specifically mentioned that the applicant should have more than 3 years administrative experience working in Government approved Tribal Welfare Organization or Government recognized Social Welfare Organization. The applicant

did not fit in the criteria of the experience and therefore she was not called for interview.

4. In the advertisement No. 104/2011 dated 26.8.2011, in clause no. 4.4 the eligibility criteria are mentioned. Having administrative experience in Government approved Tribal Welfare Organization is specifically mentioned. The applicant admittedly has worked as Clerk for three years in Social Welfare Department. Her duty list mentions the following jobs:-

१. जिल्हयातील सर्व शासकीय कार्यालयातील आस्थापना विषयक सर्व कामकाज पहाणे,
२. कर्मच्या-यांचे भविष्य निर्वाह निधी मंजुर करणे, रजा प्रकरणे, सेवाविषयक प्रकरणे, केंद्रीय माहितीचा अधिकार, जडवस्तू संग्रह विषयक कामकाज,
३. दरमहा योजनेचा मासिक खर्च अहवाल सहा. लेखा अधिकारी यांचेकडे सादर करणे.
४. वेतन व भत्ते विषयक योजनांचे चारमाही, आठमाही, नऊमाही व वार्षिक अंदाजपत्रके तयार करणे.
५. योजनेसंबंधी महालेखापाल, खात्यांतर्गत, भंडार पडताळणी प्रलंबित परिच्छेदांचे अनुपालन सहा. लेखा अधिकारी यांचे मार्फत सक्षम अधिका-यास सादर करावे.
६. लोकसभा, राज्यसभा, विधानसभा, विधानपरिषद, तारांकित / अतारांकित प्रश्न, लक्षवेध सूचना, कपातसूचना, माहितीचा अधिकार, न्यायालयीन प्रकरणे इत्यादी बाबत वरिष्ठ कार्यालयाने मागविलेली माहिती तयार करणे व सादर करणे.

5. In view of the duty list and so also considering the nature of work, a Clerk has to carry out, it is difficult for us to accept the submissions of learned counsel for the applicant that the clerical experience is to be equated with administrative experience.

6. What is meant by administrative experience may not be defined or explained anywhere in the affidavit in reply of the Respondent no. 1. However, we understand the difference between Clerical and Administrative work as there is a specific division of work in Clerical work and administrative work. A post of Clerk is an entry level post in a Government establishment. However, administrative work is a higher level job. Clerical staff has to hold a basic minimum educational qualification. However, a person

applying for the administration job needs higher qualification or a special skill in administration. There is always difference in nature of responsibility as the decision taking and the managerial level work is included in the administrative work, while the Clerical job is more paper work oriented which also includes to maintain record, submit receipts, reports and communication between the offices etc. Thus, the administrative staff is higher level position with more executive responsibility and therefore, the experience working at the table of a Clerk and experience of a person having administrative experience both cannot be equated. Hence the decision of the Respondents of not calling for the interview cannot be faulted with. No interference is required.

7. In view of the foregoing, the Original Application stands dismissed.

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

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

**Place : Mumbai**  
**Date : 22.03.2021**  
**Dictation taken by : A.K. Nair.**