

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO 540 OF 2008

DISTRICT : AMRAVATI

Shri Jagdish Parvatrao Deshmukh,)
Occ : Service, 8, Nishigandha,)
Kanta Nagar, Amravati Camp,)
Amravati.)...**Applicant**

Versus

1. The State of Maharashtra)
Through its Secretary,)
Home Department,)
Mantralaya, Mumbai 400 032.)
2. Director General of Police,)
Having office at Near Regal)
Theatre, Colaba,)
Mumbai.)
3. Commandant,)
S.R.P.F, Gat no. E,)
Amravati.)...**Respondents**

None for the Applicant.

Smt S.V Kolhe, learned Presenting Officer for the Respondents.

CORAM : **Shri Rajiv Agarwal (Vice-Chairman) (A)**
Shri J.D Kulkarni (Vice-Chairman) (J)

DATE : **05.07.2017**

PER : **Shri Rajiv Agarwal (Vice-Chairman)**

ORDER

1. None for the Applicant. Heard Smt S.V Kolhe, learned Presenting Officer for the Respondents.

2. This Original Application has come up for final hearing on 4.1.2017. At the request of the learned advocate for the Applicant, it was adjourned and it was directed to be placed before the Division Bench whenever it is available. Accordingly, the Original Application was placed before us for final hearing today. As the Applicant was not present, learned Presenting Officer was heard on behalf of the Respondents.

3. The Applicant was selected as a Junior Clerk by the Maharashtra Public Service Commission and was appointed on 29.3.1994 in the office of Commissioner of

Police, Mumbai. He wanted transfer out of Mumbai and was posted in the State Reserve Police, Amravati on 30.7.1998. Respondent no. 2 invited applications for the post of Junior Grade Stenographer and issued a notification on 5.11.2007, (Annexure B, page 25 of the O.A). The persons who were desirous to be selected for the post of Junior Grade Stenographer were required to pass a written test of Typing and Stenography in Marathi / English. The Applicant appeared for the examination conducted by Respondent no. 2 on 4.5.2008. The result was published on 27.5.2008 and the Applicant was given zero marks out of 40 in Marathi typing examination. The Applicant claims that he fulfills the requirement for promotion to the post of Junior Grade Stenographer from the post of Junior Clerk in terms of the relevant Rules. The Applicant has certificate of Marathi typing examination of 40 w.p.m and therefore the result of typing examination where he was held to have obtained zero marks out of 40 is wholly unsustainable. The Applicant also has certificate of Marathi Shorthand with a speed of 100 w.p.m and was therefore eligible to be promoted to the post of Junior Grade Stenographer.

4. Learned Presenting Officer argued on behalf of the Respondents that the Respondent no. 2 has decided to hold a skill test of all eligible candidates amongst the clerical and Constabulary of State Police Department for appointment to the post of Higher Grade Stenographers

/Lower Grade Stenographers by way of nomination and promotion. Accordingly, the applications were invited from all eligible candidates from all over Police Units in the State. The Applicant had also submitted his application, which disclosed that he had passed Marathi Shorthand with 100 w.pm and Marathi typing of 40 w.p.m. He was accordingly allowed to appear for the skill test. For qualifying in the skill test in typing, a candidate is required to obtain minimum 15 marks out of 40. The Applicant, however, got only zero marks and was held to be ineligible for appointment to the post of Junior Grade Stenographer. By letter dated 16.4.2008, (Annexure-D, page 13), the Applicant was informed that he was found eligible to appear for the test for the post of Junior Grade Stenographer and accordingly he appeared for the test on 4.5.2008. This will prove that the Applicant was fully aware that for promotion to the post of Junior Grade Stenographer, he was required to pass the skill test, in Marathi Typing and Marathi Shorthand. He participated in the aforesaid skill test and now he cannot be allowed to challenge holding of the skill test and cannot claim that he should not have been made to pass the skill test, after being unsuccessful in the same.

5. We find that the Applicant had appeared for the test in Marathi Typing/Marathi Shorthand and he was fully aware that only those found eligible in the skill test were to be considered for appointment to the post of

Junior Grade Stenographer. He cannot now challenge the selection process having participated in it and he was fully aware of the condition of the selection process before he participated in the same. Otherwise also, we do not find that any prejudice was caused to the Applicant when he appeared for the requisite test along with other candidates. The selection for the post of Junior Grade Stenographer was not based on a State wise seniority of Junior Clerks and as such the Applicant cannot claim that he was eligible for promotion to the said post on the basis of seniority. In fact, he has not made any such claim in this Original Application. He has not placed any material on record to show that skill test was not conducted fairly.

6. We do not find any merit in the Original Application. Having regard to the facts and circumstances of the case, this Original Application is dismissed with no order as to costs.

(J.D Kulkarni)
Vice-Chairman (J)

(Rajiv Agarwal)
Vice-Chairman (A)

Place : Nagpur
Date : 05.07.2017
Dictation taken by : A.K. Nair.