

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 931 OF 2022**

DISTRICT : PUNE

1. Smt Rohini Uday Bhosale,)
Working as Senior Project Director,)
[Agriculture Department],)
R/o G-702, Queenstown,)
Chinchawad, Pune 411 033.)
Off. Add: Chatrapati Shahu Maharaj)
Research Training and Human)
Resource Development Institute,)
[SARATHI], Pune 411004.)
2. Shri Shah Arif Ahmed Gulam Dastagir)
Working as Deputy Director,)
[Agriculture Department],)
Near Sai Mandir, Behind Gorakshan)
Akola. Off.Add- Project Management)
Unit, Rajgruha Gate no. 6,)
PDKV Campus, Akola.)...**Applicants**

Versus

1. The State of Maharashtra)
Through Principal Secretary,)
Agriculture Department, Mantralaya,)
Mumbai 400 032.)
2. Additional Chief Secretary,)
General Administration Department,)
Mantralaya, Mumbai 400 032.)...**Respondents**

Smt Punam Mahajan, learned advocate for the Applicant.

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

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

DATE : **15.02.2023**

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

J U D G M E N T

1. The applicants pray that the Respondents be directed to consider the applicants for promotion to the post of Maharashtra Agriculture Services Group-A, Senior (Superintending Agriculture Officer) on the basis of the seniority list dated 31.5.2022 and if the applicants are found fit for promotion the applicants be promoted along with their juniors as per the D.P.C meeting of August 2022 with all consequential service benefits such as seniority, pay etc.

2. It is peculiar case of interpretation of the Maharashtra Agricultural Service Class-I, Class-II and Class-II (Junior) in the Directorate of Agriculture (Development Group) (Recruitment) Rules, 1983.

3. Most of the facts pleaded by the learned counsel for the applicants are admitted in the affidavit in reply dated 11.11.2022 filed by Amol N. Sakharkar, Under Secretary in the office of Principal Secretary, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department, Mantralaya, Mumbai, on behalf of Respondents no 1 & 2. Applicant no. 1 joined Government service as Taluka Agricultural Officer on 4.10.2001

and applicant no. 2 joined Government service as Technical Officer on 26.11.2001. Applicants no 1 & 2 have passed the departmental examination, namely, Agriculture Department State Services Officers Accounts Examination on 17.1.2002 and 11.6.2003 respectively. Applicant no. 1 was granted exemption in passing Marathi language exam on 7.12.2001 and cleared Hindi language exam on 23.4.2003. Further applicants no 1 & 2 passed the Maharashtra Agriculture Services Examination and were selected to Class-I post on 7.7.2009. Both the applicants completed the probation period and they were declared permanent on the posts on 1.2.2014 and 4.3.2014 respectively. The meeting of the Departmental Promotion Committee was held in August, 2022. The case of the applicants for promotion have been kept aside on the ground that though the applicants have passed the departmental examination while appointed to Class-II, but they have not appeared for the same examination once again after the applicants were selected and appointed to Class-I Post in 2009.

4. Learned counsel for the applicants argued that it is a matter of interpretation of Rule 8 of the said Rules. Applicant no. 1 being Technical Officer and applicant no. 2 being District Agricultural Officer, their posts are shown at Serial nos 1 & 9 in Schedule-II of the said Rules. By the said Rules, the applicants as they have cleared the departmental examination are exempted from reappearing and passing the said examination second time.

5. Learned C.P.O relied on the earlier affidavit in reply dated 11.11.2022 and also the affidavit in reply dated 14.2.2023 of Shri Amol N. Sakharkar, Under Secretary, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department, Mantralaya, Mumbai. It is submitted by the learned C.P.O that exemption is granted only for Hindi and Marathi Language

examination and not for passing the departmental examination in Accounts.

6. It is necessary to reproduce Rule 8 of the said Rules.

“8. A person appointed to the posts mentioned in rules 3, 4 and 5 whether by nomination or by promotion shall be required to pass the Departmental Examinations in accounts and examinations in Hindi and Marathi according to the rules made in that behalf unless he has already passed or has been exempted from passing these examinations.”

7. Rule 8 is applicable to both the candidates who are appointed by nomination or by promotion and they are required to pass the following examinations:-

- (i) Departmental Examination in Accounts, and
- (ii) Examination in Hindi and Marathi language within two years from the date of appointment unless he has already passed or has been exempted from passing the examination.

8. The facts are not disputed in respect of both the applicants that they have passed the Departmental Examination in Accounts and also Examination in Hindi and Marathi languages. Therefore, the exemption mentioned in Rule 8 is squarely applicable to both the applicants. The interpretation of Rule 8 by the Respondent-State is blatantly incorrect. The construction of the words and the sentence is to be examined. The description of the examinations are joined by conjunction i.e., word ‘and’. There is no full stop after the word ‘shall be required to pass the departmental examination in accounts’. When the two clauses are connected with conjunction ‘and’. Further adjective clause or a rider is jointly applicable to earlier two, three or four clauses. A rule of grammar thus needs to be applied. The rider of exemption mentioned therein thus is applicable to both the examinations Accounts as well as languages. We appreciate the sincerity of Shri

Amol N. Sakharkar, Under Secretary, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department, in attending and assisting the Tribunal on the scheduled dates.

9. In view of the above, we pass the following order:-

- (a) The Original Application is allowed.
- (b) The Respondents are directed to consider the case of the applicants for promotion to the post of Maharashtra Agriculture Services Group-A, Senior (Superintending Agriculture Officer), as they have earlier passed the departmental examination and other examination during their service tenure, within a period of one month from the date of this order.
- (c) If the applicants are otherwise found fit and eligible, they are to be promoted to the said post.

Sd-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 15.02.2023
Dictation taken by : A.K. Nair.