

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.336/2017. (D.B.)

- 1) Lokesh Suresh Rao Thakare,
Aged about 26 years,
Occ- Nil,
R/o At and Post Both, Tq. Kelapur,
District- Yeotmal.
- 2) Atul Laxman Rao Bhoyar,
Aged about 30 years,
Occ- Nil,
R/o Surbhi Nagar, Pimpalgaon Road,
Yeotmal.
- 3) Ashwini Gajanan Patle,
Aged about 23 years,
Occ- Nil,
R/o Saraswat Layout,
Shinde Nagar, Yeotmal.

Applicants.

-Versus-

- 1) The State of Maharashtra,
Through its Principal Secretary,
Department of Municipal Administration,
Mantralaya, Mumbai-400 032.
- 2) The Director of Municipal Administration,
Having its office at 3rd floor, Sir Pochkhanwala Marg,
Worli, Mumbai-30
- 3) The Collector cum President of
District Selection Committee, Yeotmal.

Respondents

R.V. Shiralkar, the learned counsel for the applicants.
Shri M.I. Khan, the learned P.O. for the respondents.

Coram:-Shri Shree Bhagwan, Vice-Chairman
and
Shri A.D. Karanjkar, Member (J)

ORAL JUDGMENT

Per: Member (J)

(Passed on this 18th day of July 2019)

1. Heard Shri R.V. Shiralkar, the Ld. counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents.
2. Admitted facts are that the advertisement (Annexure A-10) was published by the District Selection Board, Yeotmal for filling various posts on the establishment of Maharashtra Nagar Parishads. The applicants applied for the post of Auditor and Accountant, Grade-C. It is grievance of the applicants that they were selected, but not appointed on the post. The applicants have admitted that as per the rules in the advertisement, minimum educational qualification for the post was that a person must be a commerce graduate, he must hold degrees either C.A. or he should be a member of ICWA. It is not disputed that the applicants do not possess this qualification. Our attention is invited to Annexure A-6, Page 59, the Govt. Resolution dated 7.3.2017. This G.R. was issued by the Government for the reason that the department was unable to

notice a single candidate who was member of ICWA or C.A. and ready to work on the post of Auditor and Accountant, Grade-C. In view of this, the Govt. of Maharashtra decided to amend the rules and deleted the qualification C.A. or ICWA. In view of this, it seems that as the applicants were not possessing the educational qualification as per advertisement, therefore, though the applicants cleared the examination, there was difficulty to appoint them on the post. It is submission of the applicants that directions be given to the respondents to consider the applicants as selected candidates in future in view of reduced educational qualification.

3. It appears from the facts that the applicants were not eligible to apply for the post. The applicants merely passed the examination, therefore, their names were included in the select list. Under these circumstances, it is not possible to issue directions to the respondents to consider the applicants as selected candidates even for future recruitment process, but we make it clear that subject to the age limit, the respondents shall permit the applicants to apply for the post, if advertisement is published in future.

4. In view of this discussion, O.A. stands disposed of.

No order as to costs.

(A.D. Karanjkar)
Member (J)

(Shree Bhagwan)
Vice-Chairman

Dt. 18th July 2019
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I affirm that the contents of the PDF file Order are word to word same as per original judgment.

Name of Steno : P.D. Girhale, Personal Assistant.

Court Name : Court of Hon'ble VC and Member (J)

Judgment signed and pronounced on : 18th July 2019.

Uploaded on : 23rd July 2019
