

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 574/2015**

Poonambala Ajay Verma,  
Aged about 37 years, R/o C/o Ajay Verma, Old  
Shukrawai, GandhiGram Society,  
Plot No. 218, Nagpur. -----**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Secretary, Deptt.,  
of Public Works,  
Mantralaya, Mumbai.
2. The State of Maharashtra,  
Through its Secretary,  
General Administrative Deptt.,  
Mantralaya, Mumbai.
3. The Maharashtra Public Service Commission,  
through its Secretary, Bank of India Building,  
3<sup>rd</sup> Floor, Mahatma Gandhi Road,  
Hutatma Chowk, Mumbai.1. ----- **Respondents.**

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1. Shri R.V. Shiralkar, Advocate for the applicant.
  2. Shri P.N. Warjurkar, Presenting Officer for the Respondents.

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**CORAM :** B. Majumdar : Vice Chairman  
and

S.S. Hingne : Member ( J )

**DATE :** 30<sup>th</sup> June, 2016

**ORDER**

**PER VICE-CHAIRMAN**


The applicant has filed this O.A. as she has not been selected for the post of Executive Engineer ( Electrical ), Group-A.

2. The applicant, in response to an advertisement dtd. 7/2/2014 issued by the MPSC (R/3) had applied for the post of Executive Engineer(Electrical)/Electrical Inspector, Group-A. She had applied from the category of DT(A). The MPSC conducted a written test (screening test ) and thereafter the eligible candidates were called for interview for final selection on the basis of marks in the interview. The applicant scored 52 out of 100 in the screening test and in the interview she scored 20 out of 50, i.e., 40%.( As per the statement made by the Id. P.O. on instructions received by him from MPSC ). The applicant was called for interview from the category of Open ( Female ) and subsequently she was informed by the MPSC that she was wrongly called for interview.

*mm*

3. Without touching upon the issue whether the applicant, who belongs to DT(A) is eligible for applying from the category of Open (Female ) for which there were two posts as per the advertisement, we find that the limited issue involved in the present O.A. is whether the applicant, having scored 40% in the interview, is eligible for selection. Rule 9(ix) of the MPSC Rules of Procedure notified on 3/9/2014 states "Notwithstanding anything contained in these rules, only those candidates securing at least 41% marks in the interview/viva voce conducted for all types of direct recruitment shall be eligible for final recommendations." Thus as the applicant has scored only 40% marks in the interview at the threshold itself she is disqualified for final recommendations.

4. The Id. Counsel Shri R.V. Shiralkar, submitted that the advertisement was issued on 7/2/2014, whereas the above mentioned MPSC Rules were notified on 3/9/2014. Hence as the recruitment process was initiated prior to these Rules, they cannot be made applicable to the present case.



5. We however find that vide its Standing Order dtd. 20/3/2002 MPSC had allotted various grades on the basis of marks scored in interview out of 100. These are as follows :-

a) Excellent	70 and above
b) Very good	60 to 69
c) Good	50 to 59
d) Average	41 to 49
e) Below average.	40 and below.

6. It also states that a candidate with a below average grade is not to be recommended for appointment.

7. Thus the applicant having scored less than 41% in the interview is disqualified from being considered for selection. The O.A. is without any merit and stands rejected with no order as to costs.

sd/-

( S.S. Hingne )  
Member ( J )

Skt.

sd/-

(B.Majumdar)  
Vice-Chairman.