

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 731 of 2014 (D.B.)

Mayur S/o Sham Dhait,
Aged about 31 years,
Occ. Lecturer, R/o Mayur Niwas,
Shivaji Ward, at post Tahsil Desaiganj (Wadsa),
District : Gadchiroli-441 207.
Maharashtra State.

Applicant.

Versus

- 1) State of Maharashtra,
through its Principal Secretary,
Department of Higher and Technical Education,
Mantralaya, Mumbai-32.
- 2) The Maharashtra Public Service Commission,
Bank of India Building 3rd floor,
Mahatma Gandhi road, Hutatma Chowk,
Fort, Mumbai-400 001 through its Chairman/ Secretary.
- 3) Indira Gandhi National Open University,
through the Registrar, IGNOU Maidan
Garhi near PVR Saket, New Delhi-110068,
Delhi, India.

Respondents

Shri P.S. Wathore, Mrs. K.P.Wathore, Advocates for the applicant.

Shri P.N.Warjurkar, Id. P.O. for the respondent nos.1&2.

None for respondent no.3.

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGEMENT

(Delivered on this 8th day of November,2017)

Heard Shri P.S. Wathore, Id. Counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondent nos.1&2. None for respondent no.3. The O.A. is heard finally with consent of Id. counsel for parties.

2. The applicant in this case is claiming direction to respondent no.2 to conduct an interview to the post of Lecturer in Electronics Engineering, Maharashtra Polytechnic Teachers Services Group-A in pursuance of the advertisement no.15/2013 for the reserved post of N.T. (D) category. He is further claiming that declaration to the effect that the result for the post of N.T. (D) category for the post of Lecturer in Electronics Engineering as aforesaid be declared and to include the name of the applicant in the select list.

3. The applicant has completed his Bachelors of Engineering 4 years degree course in Electronics and Communication from Kavi Kulguru Institute of Technology and Science (KITS), Ramtek which is affiliated to Rastrasant Tukadoji Maharaj, Nagpur University, Nagpur. The applicant has secured admission to the 2nd year Post Graduate full time residential, regular face to face M.Tech. Course in Advance Information Technology with Specialisation in Embedded Systems Design for the academic year 2011-2012 to 2012-2013. He secured

66% of marks at the post graduate degree in M.Tech. from the highly reputed Indira Gandhi National Open University (IGNOU). He came to be appointed to the post of Assistant Professor on Adhoc basis in the Agnihotri College of Engineering at Wardha.

4. The respondent no.2 issued an advertisement on 6/7/2013 calling application for the post of Lecturer in Electronics Engineering. Since the applicant was found eligible, a hall ticket was issued for written examination and the applicant successfully cleared that examination. The respondent no.2 thereafter published a list of qualified eligible candidates for interview to be held in between 17th to 22nd October,2014 and the name of the applicant appeared at Sr.no.225. The call letter was also issued by respondent no.2 to the applicant. On 18/10/2014 the applicant attended the office and signed the register for attendance of the candidate to be interviewed. He also brought the documents for verification. The applicant was told to remove some objections and it was further told that the M.Tech. degree possess by the applicant in first class is from Indira Gandhi National Open University (IGNOU) and therefore the applicant cannot be considered for interview. Without showing any rules and regulations, the respondent no.2 rejected the applicant's claim for oral interview. The said action on the part of respondent no.2 is not legal and proper and therefore this application.

5. The learned counsel for the applicant submits that the applicant is qualified and should have been interviewed by the respondent no.2.

6. The respondent no.1 is a formal party and has filed reply-affidavit stating that it has no role to play in the selection process. The respondent no.2 also filed reply-affidavit and admitted the fact that the applicant was called for interview. It is stated that the applicant was found ineligible. It is stated that the Indira Gandhi National Open University (IGNOU) though is a recognised University, the post advertised by the Commission is a teaching post and therefore for that purpose the degree acquired from Indira Gandhi National Open University (IGNOU) is not eligible. It is further stated that the applicant though possesses Master's degree in Information Technology with Specialisation in Embedded Systems Design with 66% marks, the said degree is not acquired from Electronics Engineering faculty and therefore the said degree is not valid and therefore the applicant was not allowed to appear for interview.

7. It is admitted fact that as per the advertisement, the applications were called for various posts of Lecturer including the Lecturer in Electronics faculty. The advertisement, in response to which the applicant has applied for the post is placed on record and it is at Annex-A-5 at P.B. page nos. 30&31. The Clause no.4.3 of the

said advertisement states about educational qualification which reads as under :-

4-3 'k'f.kd vgrk & Bachelor's degree in Engineering / Technology in the relevant branch with First Class or equivalent. If the candidate has a Master's degree in Engineering / Technology, First Class or equivalent is required at Bachelors or Masters level.

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8. The aforesaid qualification Clause makes crystal clear that the person to be eligible for the post of Lecturer in Electronics must possess either (i) Bachelors degree in Engineering / Technology in the relevant branch with First Class or equivalent or (ii) If the candidate has a Masters degree in Engineering / Technology, First Class or equivalent is required at Bachelors or Masters level. In short, if the candidate possesses Masters' degree then he may either possess First Class at Graduation level or in the Post Degree level but if the candidate possesses only Bachelors degree he must pass that degree with First Class. Admittedly in this case the applicant though possesses in Bachelors degree in engineering in Technology, he passed that degree in second division and therefore the First qualification is not applicable in case of applicant.

9. The applicant is insisting that he is qualified for being interviewed on the basis of his degree in the Post Graduation. He has obtained Masters' degree in Information and Technology in First Class and therefore he says that he is qualified.

10. The learned P.O. submits that even though the applicant has obtained Masters degree in First class, the said degree is obtained in Information and Technology and not in Electronics and therefore the said degree is not relevant so far as the applicant's claim for the post of Lecturer in Electronics. The gradation as well as Masters' degree must be in relevant subject, i.e., in Electronics and Information and Technology cannot be equated with Masters' degree in Electronics.

11. The learned counsel for the applicant has invited my attention to some letters which are filed on record from which it seems that the degrees awarded by Open Universities are recognised in the State of Maharashtra. Even for argument sake it is accepted that the degree obtained by the applicant is from IGNOU and is recognised in the Maharashtra State, the question remains as to whether the said degree is equivalent with degree in Electronics. The learned counsel for the applicant along with a pursis dated 4/9/2017 has placed on record the G.R. dated 9/7/2013 issued by State of Maharashtra and G.R. dated 6/5/2013 issued by the State of Maharashtra as regards

equivalence in the degrees of various faculties. As per the Schedule attached with said G.R. the equivalence in the Electronics Engineering with other degrees is given at sr.no.4 and the same is as under :-

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I	II	III	IV
4	Electronics Engineering/ Electronics & Communication Engineering	Electronics Engineering Electronics & Telecommunication Digital Electronics, Electronics & Communication Industrial Electronics Communication Engineering	Electronics VLSI & Embedded / SYS Digital System Signal Processing Communication Network Microwave Power Electronics Communication Engineering Electronics Design Tech Electronics & Telecom Digital Electronics

12. So far as Column no.3 is concerned the same is not applicable to the applicant since he has not passed graduation degree in Electronics in First Class which is the minimum qualification required for the post of Lecturer. So far as the Post Graduate degree is concerned, Column no.4 states the equivalent degrees of that of Electronics Engineering. None of these equivalent degrees states about degree includes post graduate degrees in Information and Technology. In the aforesaid circumstance the degree obtained by the applicant in Information and Technology cannot be said to be equivalent degree to the Electronics Engineering faculty.

13. The learned counsel for the applicant submits that the syllabus for the post graduate degree in Information and Technology is under UGC and IGNOU is similar to that provided for Engineering Electronics degree in Maharashtra. This Tribunal is not expected to go into the merits of that issue since it is for the competent authority to decide as to whether a particular degree is equivalent to particular degree. The Government has not considered the post graduate degree in Information and Technology as equivalent to that of degree in Engineering Electronics. The applicant is not having graduate degree in Electronics in First Class and post graduate degree in the said subject. The post graduation degree obtained by the applicant in Information and Technology cannot be said to be equivalent to that in Electronics. I, therefore, do not find any illegality in the action taken by respondent no.2 in not allowing the applicant to appear for the oral interview.

14. The documents furnished by the applicant seems to have been verified at the time of oral interview and at that time the respondent no.2 might have noticed that the applicant was not qualified for oral interview and therefore merely because the applicant was allowed to appear for written examination, that itself will not give any right to the applicant to claim right to appear for the oral interview and particularly when he was not holding requisite qualification as per

advertisement and recruitment rules. The recruitment rules which are called "All India Council for Technical Education (Pay Scales, Service Conditions and Qualification for the Teachers and other Academic Staff in Technical Institutions (Diploma), Regulations 2010 clearly shows that for appointment of Lecturer, the minimum qualification and experience for appointment of teaching post in Diploma Level Technical Institutions for the post of Lecturer / Workshop Superintendent Engineering / Technology a person must hold Bachelors degree in Engineering / Technology in the relevant branch with First Class or equivalent and if the candidate has a Masters degree in Engineering / Technology, first class or equivalent is required at Bachelors or Masters level. Since the applicant was not qualified as per Recruitment Rules, he was rightly not called for interview. In view of the discussions in forgoing paras, I pass the following order:-

ORDER

The O.A. stands dismissed with no order as to costs.

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