

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 767 /2017 (D.B.)

Rajgovind S/o Fulchand Madavi,
Aged 29 Yrs.,Occupation :Nil,
R/o at post Tangla, Tah. Ramtek,
District Nagpur.

Applicant.

Versus

- 1) State of Maharashtra,
Throughits Principal Secretary,
Women and Child Development Department,
Mantralaya, Mumbai- 400 032.
- 2) The Commissioner, Women and Child Development
Commissionerate, Maharashtra State, Pune, 28,
Queens Garden, Near Old Circuit House,
Pune.
- 3) Divisional Deputy Commissioner,
Women and Child Development Commissionarte,
Maharashtra State, Nagpur.

Respondents

Shri P.S.Wathore, the Id. Advocate for the applicant.

Shri A.M.Ghogre, Id. P.O. for the respondents.

**Coram :- Hon'ble Smt. JusticeMridula R. Bhatkar, Chairperson,
& Hon'ble Shri Shree Bhagwan, Vice-Chairman (A).**

JUDGMENT

PER :VICE CHAIRMAN (A)

(Delivered on this 20thday of August,2021)

Heard Shri P.S.Wathore, the Id. Counsel for the applicant
andShri A.M.Ghogre, the Id. P.O. for the respondents.

2. As submitted by Id. Counsel for the applicant, the respondent no. 2 i.e. Commissioner, Women and Child Development, Pune published advertisement no. 01/2015 (A-5, Pg., No. 24) for the post of Protection Officer (Group-B, Non-Gazetted) in the payscale of Rs. 9300-Rs.34800/- (G.P.- Rs. 4300/-). As per table on Pg. No. 29, one post was reserved for S.T. Candidate. In pursuant to said advertisement applicant applied online as per A-R-1, Pg. No. 53 and in column no. 7 he has written his category as S.T., below that in sub-caste column he has written Rajgond. As per documents A-2, Pg. No. 21 the applicant certificate is verified by S.T. Certificate Scrutiny Committee, Nagpur Division on 02.07.2007 and it is confirmed that he is S.T. candidate belonging to Gond Tribe.

3. The result was published on 28.06.2016 (A-6, Pg. No. 40) by Commissioner, Women and Child Development, Pune and applicant's name appeared at Sr. No. 5 of waiting list candidate. The applicant was appointed as Protection Officer at S.T., Boys Hostel, Ayurvedic Layout, Bhande Layout, Shakkardara. The applicant submitted representation dated 08.05.2016 to respondent no. 2 which was not considered. Subsequently, respondent no. 2 has cancelled the selection vide Commissioner letter dated 21.07.2017 (A-A-1, Pg. Nos. 19&20). Respondents have filed there reply on 29.08.2018 and in para no. 3 they have taken the ground that in the online application form he has mentioned his caste as Rajgond while in verification certificate he is

Gond. The Id. Counsel for the applicant has also filed document at A-A8, Pg. Nos. 46 & 47 which is extract of the constitution S.T., order 1950 (C.O.22). In the said document at Pg. No. 47 at Sr. No. 18 (Gond, Rajgond) is in same bracket.

4. The argument advanced by Id. P.O., as per reply para no. 3 that because of discrepancy of Rajgond in online form and Gond in caste certificate, selection of applicant has been cancelled.

5. The contention of respondents cannot be accepted since reservation of S.T. is a vertical reservation and as per caste validity certificate, applicant is a S.T. candidate. As per policy of reservation, it is for the said category i.e. for S.T. and not for any specific caste. Since, applicant belongs to S.T. he has right to be selected against the vacancy of S.T. candidate.

6. The argument canvassed in para no. 3 of reply is very flimsy ground and it does not dispute anywhere in reply that applicant is not a S.T. candidate. In view of above discussions, we are of clear view that applicant is a genuine S.T. candidate and he is entitled for selection and appointment on the post of Protection officer, Non-Gazetted Group-B in pursuant to advertisement no. 01/2015 (Pg. No. 24) against the vacant post of S.T. candidate. In background of above facts, the order of respondent no. 2 dated 21.07.2017 (Pg. Nos. 19 & 20) requires to be quashed and set aside. Hence, the following order:-

ORDER

1. The order of respondent no. 2 dated 21.07.2017 (A-A-1, Pg. Nos. 19 & 20) is quashed and set aside.
2. The applicant is a genuine S.T. candidate. Hence, he is eligible and he is entitled for appointment against S.T. quota. Accordingly, respondents to take necessary actions.
3. No order as to costs.

**(Shree Bhagwan)
Vice Chairman(A)**

**(Smt. Justice M.R.Bhatkar)
Chairperson**

Dated :-20/08/2021.
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : A.P.Srivastava
Court Name : Court of Hon'ble Chairperson &
Hon'ble Vice-Chairman.

Judgment signed on : 20/08/2021.
and pronounced on

Uploaded on : 20/08/2021.