

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 706/2011 (D.B.)**

1. Ku. Sangita D/o Wasudeo Ganfade,  
Aged 25 yrs., Occ. Nil,  
R/o Gadchandur,  
District-Chandrapur.

2. Ku. Kalpana D/o Manohar Nagpure,  
Aged about 21 yrs., Occ. Nil,  
R/o Lalpeth,  
District-Chandrapur.

**Applicants.**

**Versus**

- 1) State of Maharashtra  
through its Principal Secretary,  
Ministry of Revenue & Forests,  
Mantralaya, Mumbai-32.
- 2) Additional Principal Chief Conservator of Forests,  
(Administration – Class II),  
Maharashtra State, Nagpur.
- 3) Chief Conservator of Forests,  
Chandrapur Range (Vanavrutta),  
Chandrapur.

**Respondents**

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**Shri N.R.Bhishikar, the Id. Advocate for the applicant.**

**Shri V.A.Kulkarni, the Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri J.D. Kulkarni, Vice-Chairman (J) &  
Hon'ble Shri Shree Bhagwan, Member (A).**

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**JUDGMENT**

**PER : VICE CHAIRMAN (J)**

**(Delivered on this 06<sup>th</sup> day of November, 2018)**

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**ORDER**

Heard Shri N.R.Bhishikar, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. The applicant participated in the recruitment process for the post of Forest Guard in the District Chandrapur in pursuance to the advertisement dated 08/08/2011. In all 117 posts were to be filled in. On 09/09/2011, physical measurements of the candidates were to be conducted, but it was not conducted. On 12/09/2011 and 13/09/2011, the test of walking of female candidates and male candidates were conducted, in which the female candidates were to cover a distance of 16 k.m. in four hours, whereas the males were to cover 25 k.m. distance in four hours. Out of 117 posts, 37 posts were from Open category and the rest 44 were to be filled in from various reserved categories. All the candidates were to walk together and, therefore, the candidates did not get an opportunity to know their competitor. After the walking test, the candidates were shortlisted and the applicants were dropped from the selection process. On 22/09/2011, the physical measurement tests were conducted. After walking test, respondent's fixed minimum criteria for physical eligibility. The candidates including the applicants got an opportunity to contest. It is stated that the candidates should cover a

distance in a short time and they were dropped as they did not qualify the minimum physical ability test. The selection process is therefore, faulty and the applicants and other candidates were wrongly shortlisted. The applicants therefore, claimed that the entire selection process for recruitment of 117 posts of various categories in district Chandrapur in pursuance to the advertisement dated 08/08/2011 be quashed and set aside. The respondents have filed reply affidavit and justified the selection. It is stated that, total 3205 out of which 2401 (male) and 804(female) applications were received out of which 403 were rejected and 2802 out of 2118 (male) and 686 (female) were accepted for walking test. It was specifically mentioned in the advertisement that the physical measurement of candidates to adjust their suitability would be taken for walking test, but later on when it was found that it was not possible to complete the same within time frame due to non-availability of Doctor in adequate manner, the programme was changed. The change was effected after receiving due instructions from the Government of Maharashtra vide letter dated 17/08/2011. It was specifically stated that the walking test would be qualifying as well as competitive in nature and would find an elimination round of selection process as only candidates, three times the number of vacant posts would enter the next round.

3. So far as, the applicants are concerned, it is stated that the applicant no 1 being a female candidate, was eligible to be considered for

shortlisting from amongst the posts reserved for women only because the woman has to cover 16 k.m. vide the male has to cover 25 k.m. She has given an undertaking that she shall be considered from woman reservation. The applicant no. 2 belongs to NT(B) category but duration taken by her for completion of walking test was longer and therefore, she could not be considered.

4. The Id. counsel for the applicant submits that, though the applicant belongs to reserved category, no separate walking test was held for reserved category candidates and they were directed to walk along with general candidates, it is injustice to the applicants. We are unable to accept such contention as the Id. counsel for the applicant could not point out any illegality in the contention about the walking test. There are no rules to show that separate test was to be conducted for open and reserved candidates. In any case, the fact remains that the applicant could not compete the walking test within a given time frame limit and those only who succeeded or completed for walking test, were only called for further test. There is absolutely no reason as to why the applicants did not take any objection to the so-called alleged illegal procedure adopted by the respondents. On the contrary, the applicants participated in the process, but failed. In such circumstances, the applicants have no locus to challenge the recruitment process whereby 117 candidates have already been appointed. There is nothing on record

to show that the conduction of the process was otherwise illegal. We therefore, do not find any illegality. Hence, the following order:-

**ORDER**

1. The O.A. stands dismissed.
2. No order as to costs.

**(Shree Bhagwan)**  
**Member (A)**

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

Dated :- 06/11/2018.

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