

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
NAGPUR BENCH, NAGPUR  
ORIGINAL APPLICATION NO 80 OF 2009**

**DISTRICT : NAGPUR**

Shri Dhanajay Balwant Pande, )  
Occ : Service, R/o: Opposite )  
Hanuman Temple, Dharampeth, )  
Nagpur. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through its Secretary, )  
Department of Higher and )  
Technical Education, )  
Mantralaya, Mumbai 400 032. )  
2. Maharashtra Public Service )  
Commission, through its )  
Secretary, 3<sup>rd</sup> floor, )  
Bank of India Bldg, M.G Road, )  
Fort, Mumbai 400 032. )  
3. Ministry of Law & Judiciary, )  
State of Maharashtra, )  
Through its Secretary, )  
Mantralaya, Mumbai 400 032. )...**Respondents**

Shri S.P Kshirsagar, learned advocate for the Applicant.

Smt S.V Kolhe, learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman) (A)**  
**Shri J.D Kulkarni (Vice-Chairman) (J)**

**DATE : 05.07.2017**

**PER : Shri Rajiv Agarwal (Vice-Chairman)**

### **ORDER**

1. Heard Shri S.P Kshirsagar, learned advocate for the Applicant and Smt S.V Kolhe, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant who had applied for the post of Director of Libraries, Maharashtra State Libraries Services, Group-A pursuant to advertisement issued by the Maharashtra Public Service Commission on 8.4.2008. The Applicant was not considered eligible for the post by M.P.S.C, Respondent no. 2, on the ground that he was over age for the post in terms of the Recruitment Rules.

3. Learned Advocate for the Applicant argued that the Applicant holds a Master's Degree in Library Science, and he was the only person holding such a degree. Persons who were allowed to participate in the selection process by the

Respondent no. 2 hold Master's / Ph. D in Arts, Science or Commerce, but did not have Master's degree in Library Science. The Applicant also had 12 years experience of managing a larger library. As such, he was eligible to be considered for the aforesaid post in terms of second proviso to Rule 2 below sub rule (2)(e) of the Director of Libraries, Maharashtra State (Recruitment) Rules, 1977, as a person having exceptional qualification and experience.

4. Learned Advocate for the Applicant also cited the Recruitment Rules for the post of Director of Library Science in the State of West Bengal, which provides essential qualification as Master's degree in Library Science. He also cited the Recruitment Rules for the post of Director of Library in the Supreme Court of India, which also requires Master's degree in Library Science. Learned Advocate for the Applicant argued that for the post of Director of Libraries in Maharashtra, it is illogical to prefer a person with Master's degree or Ph. D in any subject and ignoring a person holding Master's degree in Library Science.

5. Learned Presenting Officer argued that the advertisement for the post of Director of Libraries, Maharashtra State, was issued by Respondent no. 2, MPSC and the post was to be filled in terms of the Recruitment Rules, namely, Director of Libraries, Maharashtra State (Recruitment) Rules, 1977. The post was to be filled by nomination and Rule 2(2)(a) provides that the upper age limit for the post is 40 years. The Applicant as per his application form had already completed 46 years and 7 months when he

applied for the said post. He was clearly ineligible for the post. The Recruitment Rules requires that a person should have minimum of 10 years of experience of managing larger library to be eligible to be considered for the post. Experience of 12 years, which the Applicant possesses, cannot be called exceptional experience. Similarly, holding a Master's degree in Library Science as compared to other candidates holding degree in Library Science along with Ph. D in other subjects cannot be called exceptional qualification. The Applicant was not considered for any age relaxation accordingly as he was not found to have exceptional qualification or experience. Learned Presenting Officer further argued that West Bengal Recruitment Rules provide for qualification of Master's degree in Library Science or Master's degree in any other subject with degree or diploma in Library Science, which is more or less on the same lines as the Recruitment Rules of Maharashtra State. As regards Recruitment Rules of Supreme Court of India, a degree in Law is required in addition to Master's degree in Library Science. Obviously, the recruitment for that post is totally different from the post in question and the two are not comparable.

6. We find that the Applicant was more than 46 years old when he applied for the post of Director of Libraries, Maharashtra State. It is an undisputed fact that the upper age limit for the post is 40 years and the Applicant was not eligible for the said post. His claim that he should have been given relaxation in age as he had exceptional qualification and experience is difficult to accept. Having 12 years of experience as compared to minimum requirement of 10 years

can hardly be called exceptional experience. Government of Maharashtra, Respondent no. 1 has also clarified that the Director of Libraries, in Maharashtra State is Head of the Department and he has multifarious duties. A person holding such a post is required to perform manifold duties in addition to control the libraries in the State. Keeping that fact in mind Master's degree in any other subject is prescribed. Of course, the person occupying this post is also required to have minimum qualification in Library Science, i.e. either degree or diploma in Library Science. We find a lot of weight in this contention of Respondent no. 1. We also agree with the contention of learned Presenting Officer that Master's degree in Library Science cannot be considered an exceptional qualification making the Applicant eligible for age relaxation.

7. The Applicant has relied on norms of University Grants Commission. However, the post of Director of Libraries is not in the University system, but is an administrative post and Director is designated as Head of Department in Government of Maharashtra. There cannot be any comparison between the two. Similarly, the Recruitment Rules for the post in West Bengal are more or less on the similar lines as that in Maharashtra. The post of Director of Libraries in Supreme Court of India requires degree in Law and obviously the same is not comparable to the post to which the Applicant has applied.

8. We do not find any merit in the Original Application and the decision of the Respondent no. 2 not to

allow the Applicant to participate in the selection process mainly on the ground that he did not fulfill age relaxation on the post is fully justified.

9. Having regard to the aforesaid facts and circumstances of the case, this Original Application is dismissed with no order as to costs.

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

**(Rajiv Agarwal)**  
**Vice-Chairman (A)**

**Place : Nagpur**  
**Date : 05.07.2017**  
**Dictation taken by : A.K. Nair.**