

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.193 OF 2024

DISTRICT : SATARA

Sub.:- Selection

Smt. Prajakta Rajendra Kuchekar.)
Age : 31 Yrs, Natepute, Tal.: Malshiras,)
District : Satara.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through Chief Secretary,)
Ministry of Skill Development &)
Entrepreneurship, Mantralaya,)
Mumbai – 400 001.)

2. The Director.)
Directorate of Vocational Education)
& Training, Maharashtra State,)
3, Mahapalika Marg, PO Box No.)
10036, Mumbai – 400 001.)...**Respondents**

Shri A.S. Raktade, Advocate for Applicant.

Smt. S.P. Manchekar, Chief Presenting Officer for Respondents.

**CORAM : Smt. Justice Mridula Bhatkar, Chairperson
Debashish Chakrabarty, Member-A**

DATE : 15.02.2024

JUDGMENT

1. In this OA, the Applicant who has applied in NT(C) Female Category for various posts which are advertised in Advertisement bearing No.01/2022 on 17.08.2022 seeks direction against Respondent No.2 –

Directorate of Vocational Education and Training, Mumbai to revise the Provisional Selection List of Trades i.e. (i) Mechanic Tractor & (ii) Mechanic Refrigeration and Air-Conditioning qua NT(C) Female Candidates for the post of 'Craft Instructor'.

2. The learned Advocate for Applicant submits that in the Application Form, there is specific Clause i.e. 'Do you want to opt for the post reserved for Ladies ?' The Applicant and one more NT(C) Female Candidate tick-marked that they want to opt for the post reserved for Ladies. The learned Advocate for Applicant submits that candidate who is selected and other candidate from NT(C) Female did not chose this option also they should be considered in General NT(C) category. The learned Advocate for Applicant further submits that in NT(C) Female Category, only one post of 'Craft Instructor' is available and reserved. Therefore, learned Advocate for Applicant submits that Respondent No.2 – Directorate of Vocational Education & Training, Mumbai to conduct document verification of Applicant and appoint Applicant on the post of Craft Instructor as per her claim of LDS Female NT(C) Reservation.

3. The learned CPO submits that this option which the amongst option which is clicked by Applicant and pointed out by learned Advocate for Applicant was only applicable to 'Open Female Category' and accordingly, specific instructions were given in On-line system for about how to fill-up the Application Form. The learned CPO explains on the basis of instructions received from Shri Anil Gavit, Joint Director, Directorate of Vocational Education & Training, Mumbai that said option if appeared in the Application Form, Applicant who wanted to apply in NT(C) Female Category should not have been tick-marked this option. However, she clicked on Column and that option appeared and therefore, she mentioned it 'Yes'. The learned CPO submits that candidate in NT(C) Female appointed on one post which is only one available post is meritorious and has secured 161.60927 and Applicant has secured

135.83853. Thus, there is no injustice or violation of any procedure while selecting and appointing candidate from NT(C) Female Category.

4. We reproduce instructions which are only applicable for Open Female Category as under :-

“2. Non Creamy Layer Certificate :- Only for Open Category Female candidates – Do you want to opt for the post reserved for Ladies ? Yes/No (If “Yes” upload Non Creamy Layer Certificate issued by competent authority.”

5. We also reproduce ‘Option’ which appears in ‘Application Form’ under ‘Candidate Personal Details’ regarding post reserved for Ladies which is applicable only for candidates from Open Female Category after clicking the said Stage No.2 as under :-

“Do you want to opt for the post reserved for Ladies ?”

6. Considering the submissions made by learned Advocate for Applicant and Learned CPO, it is clear that option which was mandatory only for Open Female Category and was not to be clicked by Applicant claiming reservation in NT(C) Female Category. Moreover, had Applicant secured more marks and would have been topper in NT(C) Female Category, she would have been selected in NT(C) Female Category. This ‘Option’ exercised regarding post reserved for Ladies could not come in the way of Applicant and similarly not giving this ‘Option’, which is not mandatory for other NT(C) Female Category would also not debar them for considering Applicant for selection on merit in NT(C) Female Category.

7. Thus, we are of the view that Applicant has no case and there is no breach of any procedure. However, we would like to mention that Directorate of Vocational Education & Training Department should henceforth give clear instructions in filling-up of ‘On-line’ Application Forms, so that such avoidable confusion does not recur amongst Candidates. The back-hand amongst driven by ‘Application Software’

specifically created for 'On-Line Application Forms' should prevent choices not applicable remaining before Applicants which can materially affect the outcome of selection and appointments of the candidates who are required to avail of Vertical Reservations and Horizontal Reservations.

8. 'Interim Relief' granted earlier stands vacated.
9. The Original Application stands dismissed. No Order as to Costs.

Sd/-
(DEBASHISH CHAKRABARTY)
Member-A

Sd/-
(MRIDULA BHATKAR, J.)
Chairperson

Mumbai

Date : 15.02.2024

Dictation taken by :

S.K. Wamanse.

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