

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**ORIGINAL APPLICATION NO.309 OF 2020
WITH
ORIGINAL APPLICATION NOS.314 TO 316 OF 2020 &
ORIGINAL APPLICATION NOS.368 TO 370 OF 2022**

**DISTRICT : KOLHAPUR /
PUNE/SOLAPUR**

**Sub.:- Assured Career
Progression Scheme**

ORIGINAL APPLICATION NO.309 OF 2020

Shri Shankar Vishnu Raut.)
Age : 57 Yrs, Occu.: Service as Forester,)
R/o. At/Post : Talashi, Tal.: Radhanagari,)
District : Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through its Addl. Chief Secretary,)
Revenue & Forest Department,)
Mantralaya, Mumbai – 32.)
2. The Principal Chief Conservator of)
Forests, M.S, 2nd Floor, Van Bhavan,)
Ramgiri Road, Civil Lines, Nagpur.)
3. The Chief Conservator of Forests)
(Territorial) Kolhapur, Vanvardhan)
Building, Ambedkar Chowk,)
Opposite to Head Post Office,)
Tarabai Park, Kolhapur.)
4. The Deputy Conservator of Forests,)
Kolhapur Forest Region, Kolhapur,)
Vanvardhan Building, Ambedkar)
Chowk, Opposite to Head Post Office,)
Tarabai Park, Kolhapur.)...**Respondents**

WITH**ORIGINAL APPLICATION NO.314 OF 2020**

Shri Dhondiram Bandu Katkar.)
Age : 57 Yrs, Occu.: Service as Forester,)
R/o. At Porle Tarfe Borgaon,)
Post : Patpanhala, Tal.: Panhala,)
District : Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra & 3 Ors.)...**Respondents**

WITH**ORIGINAL APPLICATION NO.315 OF 2020**

Shri Bhimrao Sadashiv Patil.)
Age : 56 Yrs, Occu.: Service as Forester,)
R/o. A/P. Shirol, Tal.: Karvir,)
District : Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra & 3 Ors.)...**Respondents**

WITH**ORIGINAL APPLICATION NO.316 OF 2020**

Shri Appasaheb Babu Vasvade.)
Age : 58 Yrs, Occu.: Service)
R/o. A/P. Dattawad, Tal.: Shirol,)
District : Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra & 3 Ors.)...**Respondents**

WITH**ORIGINAL APPLICATION NO.368 OF 2022**

Shri Avinash Dashrath Kasbe.)
 Age : 62 Yrs, Occu.: Retired as Forester)
 R/o. A/P. Lasurne Junction,)
 Tal.: Indapur, District : Pune.)...**Applicant**

Versus

1. The Principal Chief Conservator of)
 Forests, M.S, 2nd Floor, Van Bhavan,)
 Ramgiri Road, Civil Lines, Nagpur.)
2. The Chief Conservator of Forests)
 (Territorial), Pune Circle,)
 Vanbhavan Bhamburda Van Vihar,)
 Gokhale Nagar, Pune – 16.)
3. The State of Maharashtra.)
 Through the Secretary,)
 Revenue & Forest Department,)
 Madam Cama Road, Hutatma)
 Rajguru Chowk, Mantralaya,)
 Mumbai – 400 032.)...**Respondents**

WITH**ORIGINAL APPLICATION NO.369 OF 2022**

Shri Ramchandra Nagu Mane.)
 Age : 62 Yrs, Occu.: Retired as Forester)
 R/o. A/P. Malshiras, Sahakar Nagar,)
 Malshiras Medaj Road, Malshiras,)
 District : Solapur.)...**Applicant**

Versus

1. The Principal Chief Conservator of)
 Forests, Nagpur & 2 Ors.)...**Respondents**

WITH**ORIGINAL APPLICATION NO.370 OF 2022**

Shri Shivaji Shankar Ingale.)
Age : 61 Yrs, Occu.: Retired as Forester)
R/o. A/P. Piliv (Jinjevasti),)
Tal.: Malshiras, District : Solapur.)...**Applicant**

Versus

1. The Principal Chief Conservator of)
Forests, Nagpur & Anr.)...**Respondents**

Mr. K.R. Jagdale, Advocate for Applicants.

Smt. K.S. Gaikwad, Presenting Officer for Respondents.

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 02.03.2023

JUDGMENT

1. All these Original Applications are heard together and decided by common order, since issue involved is identical. There are two sets of O.As. In one set i.e. in O.A.No.309/2020 and O.A.Nos.314 to 316/2020, the Applicants have challenged the order dated 12.04.2020 issued by Respondent No.4 – Deputy Conservator of Forest, Kolhapur Region whereby 2nd benefit of Time Bound Promotion Scheme (TBPS) granted to them was withdrawn. Whereas in second set of O.A. i.e. in O.A.Nos.368/2022 and 369/2022, the Applicants' representation for claiming 2nd benefit of TBPS has been rejected by order dated 19.07.2021. In O.A.No.370/2022, no order has been passed on his representation claiming 2nd benefit of TBPS. All Applicants stand retired from service.

2. All these Applicants were initially appointed as Forest Guards and on completion of 12 years' service, they were granted 1st benefit of TBPS for the next promotional post of Forester by way of non-functional promotion. In O.A.Nos.309/2020, 314 to 316/2020, the Applicants were again granted 2nd benefit of TBPS for the post of Range Forest Officer. Later, Applicants in O.A.Nos.309/2020, 314/2020 and 315/2020 were also promoted by way of functional promotion to the post of Forester. Whereas Applicant in O.A.No.316/2020 could not get promotion. Insofar as O.A.No.368 & 369/2022 are concerned, the Applicants therein granted 1st benefit of TBPS. Later, they also got promotion to the post of Forester. However, they claimed 2nd benefit of TBPS, since they have completed 12 years' much before getting actual promotion. However, their representations for 2nd benefit of TBPS has been rejected.

3. First set of O.As in which 2nd benefit of TBPS was granted but withdrawn as shown in the Chart.

Sr. No.	Name of Applicant	Appointed as Forest Guard	1 st Time Bound Promotion	2 nd Time Bound Promotion	Promoted as Forester	Withdrawal of benefits	Retired on
1	S.V. Raut O.A.309/20	18/7/84	23/7/96	28/12/11	29/8/13	12/4/20	31/5/21
2	B.D. Katkar O.A.314/20	3/7/86	3/7/98	30/8/13	27/7/15	12/4/20	31/5/21
3	B.S. Patil O.A.315/20	3/6/86	3/6/98	23/7/08	1/8/15	12/4/20	31/5/22
4	S.V. Raut O.A.316/20	25/1/84	25/1/96	27/1/08	Not promoted	12/4/20	31/5/20

4. In this set of O.As, Applicants made representation for 2nd benefit of TBPS, but it came to be rejected, as shown in the Chart.

Sr. No.	Name of Applicant	Appointed as Forest Guard	1 st Time Bound Promotion	2 nd Time Bound Promotion	Promoted as Forester	Rejected Claim of 2 nd TBP	Retired on
1	A.D. Kasbe O.A.368/22	19/9/81	7/2/96	3/1/21	6/6/12	19/7/21	31/5/21
2	R.N. Mane O.A.369/22	15/10/84	10/10/2000	3/1/21	11/6/14	19/7/21	31/5/21
3	S.S. Ingale O.A.370/22	10/5/82	3/10/97	3/1/21	29/5/14	Representation pending	31/5/22

5. Indisputably, as per Recruitment Rules for the post of Range Forest Officer, the candidate should have passed SSC Certificate and none of the Applicants is SCC. However, they have Certificate of Hindi Uttama Examination conducted by Mumbai Hindi University. It is on that basis, initially, 2nd benefit of TBPS was granted in first set of O.A. stating that Hindi Uttama Examination is equivalent to SSC. However, later, it was withdrawn when it was revealed that Hindi Uttama Examination is not equivalent to SSC, so as to grant them 2nd benefit of TBPS. Whereas in second set of O.A, the representation made by the Applicants for the said benefit has been rejected.

6. Shri K.R. Jagdale, learned Advocate for the Applicants in reference to G.R. dated 14.06.1999 issued by Government of Maharashtra, Higher and Technical Department, G.R. dated 28.02.2007 issued by the same Department, G.R. dated 23.08.2011 and letter issued by Maharashtra State Middle and Higher Education Board, Mumbai dated 29.07.2011 submits that Uttama Hindi Examination is granted equivalence with SSC, and therefore, Applicants fulfilled eligibility criteria of SSC for promotional post of Range Forest Officer. He, therefore, tried to contend that Applicants are entitled to 2nd benefit of TBPS for the post of Range Forest Officer.

7. Per contra, Smt. K.S. Gaikwad, learned Presenting Officer in reference to stand taken in Affidavit-in-reply submits that for promotional posts from Forester to Range Forest Officer, the candidate should be SSC in terms of Recruitment Rules and none of the Applicants being SSC, they were not eligible for promotion as Range Forest Officer. In the first set of O.As, non-functional promotion for the post of Range Forester was wrongly given and later when mistake was realized, the benefit came to be withdrawn. Whereas, in second set of O.As, their representation was rejected, since they are not found eligible for promotional post of Range Forest Officer. In this behalf, she has pointed out G.R. dated 14.06.1999 particularly Para No.3 of G.R. is very much

clear and equivalence is granted only for appointment as Hindi Teacher in School. Thus, according to her, Uttama Hindi Examination is not equivalent to SSC or any other purpose much less for promotion to the post of Range Forest Officer.

8. In view of submissions, the issue posed for consideration is whether Hindi Uttama Examination is equivalent to SSC, so as to qualify for the promotional post to get the benefits of promotional post of Range Forest Officer.

9. Indisputably, in terms of Recruitment Rules for the post of Range Forest Officer by promotion, the candidate should have passed SSC examination or should have passed equivalent examination. There is no denying that Applicants have passed Hindi Uttama Examination from Mumbai Hindi University. Though Government by G.R. dated 14.06.1991 given equivalency of SCC to Uttama Hindi Examination, it is not unconditional or without any rider or unqualified. The Government in G.R. dated 14.06.1999 itself clarified as to for what purpose and extent, Hindi Uttama Examination could be treated equivalence to SSC. The relevant contents of G.R. dated 14.06.1999 which are material are as under :-

“शासन निर्णय :- संदर्भित शासन निर्णयान्वये, भारतातील ऐच्छिक हिंदी संस्था, ऐच्छिक संस्कृत संस्था, यांनी प्रदान केलेल्या परीक्षांना समकक्ष परीक्षांचा दर्जा केंद्र शासनाच्या सूचनेनुसार मान्य केला आहे. तसेच केंद्रीय किंवा राज्य विधि मंडळाने अधिनियमाद्वारे भारतातील विद्यापीठाने दिलेल्या पदव्या/पदविका आणि संसदेने अधिनियमाद्वारे इतर शैक्षणिक संस्था स्थापित केल्या आहेत किंवा विद्यापीठ अनुदान आयोगाने घोषित केलेल्या मानवी विद्यापीठांनी प्रदान केलेल्या पदवी/पदविकांना समकक्ष दर्जा देण्याची मान्यता या निर्णयाद्वारे देण्यात येत आहे.

२. ज्या पदवी/पदविकांना समक्षता दिलेली आहे त्या सोबतच्या विवरणपत्र “अ” मध्ये देण्यात आल्या आहेत.

३. विवरणपत्र “अ” मध्ये दर्शविलेली समक्षता ही खालील अटीवर राहिल.

अ) ऐच्छिक हिंदी संस्थांच्या परीक्षांना दिलेली मान्यता ही समकक्ष म्हणून नमूद केलेल्या परीक्षेसाठी विहित केलेल्या हिंदीच्या दर्जा पुरतीच मर्यादित असेल. संपूर्ण पदवी परीक्षेच्या बरोबर त्यांना मान्यता मिळणार नाही.

ब) ही मान्यता फक्त दुय्यम शाळातील हिंदी शिक्षकांच्या जागेवर नेमणूक करतेवेळी विचारात घेतली जावी व याप्रमाणे शैक्षणिक पात्रता धारकांनी हिंदी शिक्षकांच्या जागेवर नेमणूक करताना त्यांना हिंदी शिक्षकांची मंजूर केलेली वेतनश्रेणी द्यावी.

क) तसेच संस्कृत मंडळाच्या संस्कृत परीक्षांची अहर्ताधारक फक्त राज्यातील माध्यमिक व उच्च माध्यमिक शाळांमध्ये तसेच विद्यापीठांमध्ये फक्त संस्कृत शिक्षक म्हणून नियुक्ती करण्यासाठी व संस्कृत शिक्षकांना मिळणारी वेतनश्रेणीस पात्र ठरतील.”

10. That apart, it is again clarified by the Government in G.R. dated 28.02.2007 (Page No.42 of P.B.) that this equivalence would be subject to conditions mentioned in Para No.3 of G.R. dated 14.06.1999 which are reproduced above. As such, it is explicit that equivalence is not unqualified or general for all purposes, but it is restricted to some specific purpose. The reading of Clause 3 of G.R. dated 14.06.1999 makes it quite clear that the equivalence is relevant only for considering eligibility of the candidate for appointment on the post of Hindi Teacher. It is specifically clarified that equivalence cannot be treated at par with degree or SSC Examination. This being the position, in view of express stipulations and conditions mentioned in Clause 3 of G.R. dated 14.06.1999, the submission advanced by the learned Advocate for the Applicant that Uttama Examination is equivalence to SSC or promotion to the post of Range Forest Officer is totally misconceived. Needless to mention, when the words and language used in statute or G.R. is clear and there is no ambiguity, it has to be read as it is, so as to give effect to it. Otherwise, it would amount to reading something which is not there.

11. Indeed, the issue is no more res-integra in view of decision of Hon'ble High Court in **(2017) 2 Mh.L.J. 860 [Pravin S. Deshmukh Vs. Vice-Chairman and Managing Director, Maharashtra State Road Transport]** and **(2014) 1 CLR 348 [Vijay Rai Vs. Maharashtra State Road Development Corporation]**. In **Vijay Rai's** case (cited supra), Hon'ble High Court dealt with the interpretation of G.R. dated 14,06.1999, particularly Clause 3(a) of the G.R. while considering the issue as to whether "Sahitya Sudhakar" is equivalent to B.E. Degree in terms of said G.R. In the G.R. "Sahitya Sudhakar" is also given equivalence to B.E. Degree, subject to conditions in Clause No.3(a). In **Vijay Rai's** case, the Petitioner had applied for clerical post on the basis of Sahitya Sudhakar Certificate/Course and claimed equivalence to be a Degree. However, Hon'ble High Court held that the equivalence is relevant only for appointing a person on the post of Hindi Teacher and dismissed the Petition. Hon'ble High Court held as under :-

“Perusal of G.R. dated 14.6.1999, more particularly Clause 3 (A) thereof shows that the equivalence granted is only for the purposes of subject Hindi and it has been expressly added that it is not equivalent to entire graduate examination. It is also stated that this equivalence should be accepted while appointing the incumbent on the post of Hindi teachers. It is not necessary for this Court to go into this Resolution in more details. The petitioner before this Court has applied to the respondent / Maharashtra State Road Transport Corporation, Nagpur for job in Clerical cadre. The respondent rightly did not consider his qualification i.e. “Sahitya Sudhakar” as equivalent to the B.A. degree issued by any statutory University. No case is, therefore, made out. The petition is rejected.”

12. The aforesaid view was again reiterated in subsequent decision in **Pravin’s** case (cited supra). In Para No.7, Hon’ble High Court held as under :-

“7. The judgment at High Court of Judicature at Bombay Bench at Aurangabad in Writ Petition No.6505 of 2013 delivered on 09-07-2014, does not look into the reported judgment in the case of Vijay Rai (supra), delivered on 12-11-2013. One of us (B.P. Dharmadhikari, J.) is party to that judgment. There, after considering all the relevant Government Resolutions this Court has found that the parent Government Resolution dated 14-06-1999 itself contains certain conditions and equivalence recognized is subject to those limitations. First condition is that; the equivalence is only for the subject of Hindi and the qualification cannot be treated as graduate qualification equivalent to a degree conferred by the other Universities. By second condition, it is stipulated that, this equivalence is valid only when the holder thereof applies for the employment as a Hindi teacher.

13. True, in the present case, the issue pertains to equivalence to Hindi Uttama Examination, but the principle is same. Suffice to say, the aforesaid Judgment is squarely attracted to the present situation. There is no equivalence with SSC so as to be eligible for getting promotional post of Range Forest Officer. The Applicants thus were not eligible to get 2nd benefit of TBPS and in first set of O.As, it has been rightly withdrawn. In second set of O.As, the claim of the Applicant for same relief is rightly rejected.

14. In this view of the matter, I see no merits in these O.As. The challenge to the impugned orders is devoid of merits and all O.As are liable to be dismissed. Hence, the order.

ORDER

All the Original Applications are dismissed with no order as to costs.

Sd/-

(A.P. KURHEKAR)
Member-J

Mumbai

Date : 02.03.2023

Dictation taken by :

S.K. Wamanse.

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