

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**O.A.309/16 WITH M.A.551/15 WITH M.A.321/15 WITH
O.A.316/16 WITH M.A.550/15 WITH M.A.284/15 WITH
O.A.317/16 WITH M.A.285/15 WITH O.A.821/15 WITH
O.A.244/14 WITH O.A.121/16**

1) ORIGINAL APPLICATION NO. 309 OF 2016

WITH

MISC APPLICATION NO. 551 OF 2015

DISTRICT : THANE

Shri. Girish Adharsing Patil,)
Dept.- Working in Director of Vocational)
Education and Training at Government)
Industrial Training Institute, Mulund,)
Mithagar Road, Thakur Wadi,)
Mulund (East), Post-Craft Instructor,)
Residing at 501, Ashirwad Apartment,)
Near Sai Baba Temple, Kisan Nagar No.3,)
Wagale Estate, Thane (West).)...**Applicant**

VERSUS

1. Maharashtra Public Service Commission,)
Having its office at Bank of India, 3rd)
Floor, Mahatma Gandhi Road, Hutatma)
Chowk, Mumbai 01.)
2. The Government of Maharashtra,)
Through the Higher and Technical)
Education Dept., Mantralaya, Mumbai-32)
3. The Government of Maharashtra,)

AR

Through Director of Vocational Education)
and Training, Mantralaya, Mumbai.) **Respondents**

WITH

MISC APPLICATION NO. 321 OF 2015

1. Maharashtra Public Service Commission,)
Having its office at Bank of India Bldg., 3rd)
Floor, Mahatma Gandhi Road, Hutatma)
Chowk, Mumbai 01.)

2. The Government of Maharashtra,)
Through the Principal Secretary, Higher)
and Technical Education Dept.,)
Mantralaya, Mumbai-32)

3. The Government of Maharashtra,)
Through Director of Vocational Education)
And Training, M.S. Mumbai.)

).. Applicants
(Orig. Respondents)

VERSUS

Shri. Girish Adharsing Patil,)
Dept.- Working in Director of Vocational)
Education and Training at Government)
Industrial Training Institute, Mulund,)
Mithagar Road, Thakur Wadi,)
Mulund (East), Post-Craft Instructor,)
Residing at 501, Ashirwad Apartment,)
Near Sai Baba Temple, Kisan Nagar No.3,)
Wagale Estate, Thane (West).)

) Respondents
(Orig. Applicant)

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2) ORIGINAL APPLICATION NO. 316 OF 2016

WITH

MISC APPLICATION NO. 550 OF 2015

DISTRICT : THANE

Shri. Shyam Mahohar Ambalkar,)
Dept.- Working in Director of Vocational)
Education and Training, Residing at 305,)
Flamingo, Pranjee Garden City, Katrap Road,)
Badlapur (East), District – Thane.)...**Applicants**

VERSUS

1. Maharashtra Public Service Commission,)
Having its office at Bank of India, 3rd)
Floor, Mahatma Gandhi Road, Hutatma)
Chowk, Mumbai 01.)
2. The Government of Maharashtra,)
Through Higher and Technical Education)
Dept., Mantralaya, Mumbai-32)
3. The Government of Maharashtra,)
Through Director of Vocational Education)
and Training.)**Respondents**

WITH

MISC APPLICATION NO. 284 OF 2015

1. Maharashtra Public Service Commission,)
Having its office at Bank of India, 3rd)
Floor, Mahatma Gandhi Road, Hutatma)
Chowk, Mumbai 01.)
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2. The Government of Maharashtra,)
Through the Principal Secretary, Higher)
and Technical Education Dept.,)
Mantralaya, Mumbai-32)

3. The Government of Maharashtra,)
Through Director of Vocational Education)
and Training, M.S. Mumbai.)

).. Applicants
(Orig. Respondents)

VERSUS

Shri. Shyam Mahohar Ambalkar,)
Dept.- Working in Director of Vocational)
Education and Training, Residing at 305,)
Flamingo, Pranjee Garden City, Katrap Road,)
Badlapur (East), District – Thane.)

)Respondents
(Orig. Applicant)

3) ORIGINAL APPLICATION NO. 317 OF 2016

DISTRICT : PARBHANI

Shri. Praweenkumar Digambarrao Ukhlikar,)
Dept.- Working in Director of Vocational)
Education and Training, Residing at Govt.)
Quarter No. A-1, Shivaji Nagar, Near Super)
Market, Parbhani.)

)....Applicant

VERSUS

1. Maharashtra Public Service Commission,)
Having its office at Bank of India, 3rd)
Floor, Mahatma Gandhi Road, Hutatma)
Chowk, Mumbai 01.)

2. The Government of Maharashtra,)
Through Higher and Technical Education)
Dept., Mantralaya, Mumbai-32)
3. The Government of Maharashtra,)
Through Director of Vocational Education)
And Training, Mantralaya, Mumbai.).. **Respondents**

WITH

MISC APPLICATION NO. 285 OF 2015

1. Maharashtra Public Service Commission,)
Having its office at Bank of India, 3rd)
Floor, Mahatma Gandhi Road, Hutatma)
Chowk, Mumbai 01.)
2. The Government of Maharashtra,)
Through the Principal Secretary, Higher)
and Technical Education Dept.,)
Mantralaya, Mumbai-32)
3. The Government of Maharashtra,)
Through Director of Vocational Education)
And Training, Mantralaya, Mumbai.).. **Applicants**
(Orig. Respondents)

VERSUS

- Shri. Praweenkumar Digambarrao Ukhlikar,)
Dept.- Working in Director of Vocational)
Education and Training, Residing at Govt.)
Quarter No. A-1, Shivaji Nagar, Near Super)
Market, Parbhani.) **Respondents**
(Orig. Applicant)

4) ORIGINAL APPLICATION NO. 821 OF 2015

DISTRICT : JALGAON

1. Shri. Navnit Vasantryao Chavan,)
Dept.- Working Government ITI)
Bhadgaon, District Jalgaon, Current)
Post- Principal (Class 2 Grade),)
Residing at Gut No. 55, Plot No.24, Shiv)
Colony, Jalgaon, 425 001.)

2. Shri. Rajesh Goverdhanji Chulet,)
Dept.- Government Technical High)
School, Karanja Road, Murtizapur,)
Current Post – Head Master (Class 2)
Gazetted), Residing – Prabhat Colony,)
Amravati – 444 605.)

3. Shri. Nitin Rajabhau Kathale,)
Dept.- Government Industrial Training)
Institute Bellora Road, Ghatanji,)
Dist- Yavatmal. Current Post – Principal)
Government ITI, Ghatanji, Residing at)
Jay Kumar Golhar Saratji Near Bulhalani)
Hospital Shrashha Nagar, Wadgaon,)
Dist- Yavatmal.)

4. Shri. Bharat Shivprasad Kandoi)
Dept.- Government ITI Bhokar Khed Road)
Risod Tal- Risod, Dist – Washim,)
Current Post – Principal, Residing at)
Jankai Nagar, Lakhala Dist.- Washim.)

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5. Shri Devanand Laxman Gaidhani)
Dept.- Government of Technical High)
School, Deoli Dist- Wardha, Current)
Post – Headmaster, Residing at Post)
Nachangaon, Ward No.5, Tal- Deoli,)
Dist- Wardha, 442 306.)....**Applicant**

VERSUS

1. Maharashtra Public Service Commission,)
Having its office at Bank of India, 3rd)
Floor, Mahatma Gandhi Road, Hutatma)
Chowk, Mumbai 01.)
2. The Government of Maharashtra,)
Through Higher and Technical Education)
Dept., Mantralaya, Mumbai-32)
3. The Government of Maharashtra,)
Through Director of Vocational Education)
And Training, Mantralaya, Mumbai.)**Respondents**

5) ORIGINAL APPLICATION NO. 244 OF 2014

DISTRICT : JALGAON

1. Shri. Ahire Rajendra Nanaji,)
Dept.- Working in Director of Vocational)
Education And Training Residing at Shiv)
Mudru Apartment No.3 Shivsamarth Nagar)
Kishor Suryawanshi Marg, Dindori Road,)
Nashik -4.)

2. Shri. Yogeshwar Sahebrao Ghuge)
Dept.- Working in Director of Vocational)
Education And Training Residing at Ranpise)
Nagar, near Shitala Mata Temple, Akola,)
Dist.- Akola.)...**Applicant**

VERSUS

1. Maharashtra Public Service Commission,)
Having its office at Bank of India, 3rd)
Floor, Mahatma Gandhi Road, Hutatma)
Chowk, Mumbai 01.)
2. The Government of Maharashtra,)
Through Higher and Technical Education)
Dept., Mantralaya, Mumbai-32)
3. The Government of Maharashtra,)
Through Director of Vocational Education)
And Training, Mantralaya, Mumbai.)**Respondents**

6) ORIGINAL APPLICATION NO. 121 OF 2016

DISTRICT : NASHIK

1. Shri. Trinkle Yuvaraj Saindane,)
Add.- C/o. Rawaba Gaikwad, Plot No. 19,)
Sawata Mali Nagar, Amrutdham,)
Panchavati, Nashik - 422 003.) ...**Applicant**

VERSUS

1. Maharashtra Public Service Commission,)
Through Secretary, M.P.S.C., Kuprej)
Telephone Nigam Building, Maharshee)

Karve Marg, Kuprej, Mumbai 400021.)

2. Secretary,)

Higher and Technical Education Dept.,)

Govt. of Maharashtra, Mantralaya,)

Mumbai-32.) **Respondents**

Shri A.A.Gharte, the learned Advocate for the Applicant.

(O.A.309/16, O.A.316/16, O.A.317/16, O.A.821/15,

O.A.244/14)

Shri C.T.Chandratre, the learned Advocate for the Applicant.

(O.A.121/16).

Shri N.K.Rajpurohit, the learned Presenting Officer for the Respondents.

Shri D.B.Khaire, Special Counsel for the Respondents 2 & 3.

CORAM : Shri Rajiv Agarwal, Vice-Chairman

Shri R.B. Malik (Member) (J)

DATE : 03.05.2016

PER : Shri Rajiv Agarwal (Vice-Chairman)

ORDER

1. Heard Shri A.A.Gharte, the learned Advocate for the applicants in O.As except O.A. no.121/2016, Shri C.T.Chandratre the learned Advocate for the applicant (in O.A.121/16), Shri N.K.Rajpurohit, the learned Presenting Officer for the Respondents and Shri D.B.Khaire, Special Counsel for the Respondents 2 & 3.

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2. These O.As were heard together and are being disposed of by a common order, as the issues to be decided are identical except in O.A. no. 244/2014, where the facts and issues to be decided are interlinked.

3. In these O.As the Applicants had applied for the post of Principal, Industrial Training Institutes (I.T.Is) and equivalent posts in Maharashtra Education Service Group A (Technical) pursuant to the advertisement no 89/2013 issued by the Respondent No.1 in O.A. 309/2016, 316/2016, 317/2016, 821/2015 on 1.11.2016. Para 4.3 of this advertisement has listed the educational qualifications required for these post as below.

(1)“Possess a Bachelor’s degree in Mechanical or Electrical Engineering or in both at least in Second Class or a Master’s degree in Mechanical or Electrical Engineering or in both;”

4. The Applicants do not have Bachelor’s or Master’s degree in Electrical or Mechanical Engineering but have degree in other branches of Engineering which according to them are equivalent to Mechanical or Electrical Engineering.

5. Learned Advocate Shri Gharate, argued that the on earlier occasion on 16.6.1999 also, M.P.S.C. had issued an advertisement for recruitment to the post of Principal / Vice Principal of I.T.Is (Junior Grade) which has listed identical educational qualifications. The Applicant in O.A no

317/2016 holding degree in Production Engineering was not only allowed to participate in the selection process but was also selected as Principal (Jr.). Learned Counsel for the Applicants stated that Marathwada University has issued a certificate that for the purpose of recruitment, Production Engineering is equivalent to Mechanical Engineering. M.P.S.C. has in para 1.6.1 (3) of general instructions to the candidates has mentioned that equivalence provided by the Government would be considered. Learned Counsel for the Applicants stated that the Govt. has issued a G.R. dated 6.5.2013 which provides for equivalence of various engineering degrees at Bachelor's and Master's level. As per this G.R. various equivalences have been recognised. Learned Counsel for the Applicant stated that the on-line application process did not accept applicants from candidates having equivalent qualifications. The applicant (in O.A. no. 317/2016) by letter dated 14.11.2013 informed the Respondent No.1 that he had Bachelor's degree in Production Engineering and Master's degree in Industrial Engineering which are equivalent degrees in Mechanical Engineering and he has filled the forms showing qualification in Mechanical Engineering. Most of the Applicants held degree in Production Engineering, which according to them is equivalent to Mechanical Engineering. Applicant no. 3 in O.A. no. 821/2015 has degree in Electronic and Power Engineering which is equivalent to degree in Electrical Engineering.

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6. Learned Counsel for the Applicants stated that in another G.R. dated 2.12.2013, also equivalence of Electrical & Mechanical Engineering for graduate and post graduate level with degrees like Production Engineering & Power Engineering as been recognised. The Applicants are therefore eligible to be considered for the posts for which they had applied. The Respondent no. 2 had asked the Respondent no.1 to extend the time for applying for appointment in response to advertisement dated 1.11.2013 to make the benefit of G.R. dated 2.12.2013 applicable for the selection process started by advertisement dated 1.11.2013. However, the Respondent no.1 did not agree which has caused seniors prejudice to the Applicants.

Learned Counsel for the Applicant argued that the National Council of Vocational Training (NCVT) New Delhi is responsible for prescribing qualification for Technical staff of Training Institutions including I.T.Is. The qualification for the post of Principal (Sr.), I.T.I as per the Training Manual of NCVT is as follows:

‘A degree in the appropriate branch of Engineering/Technology of a recognized University or equivalent with 5 years experience.’

Learned Counsel for the Applicants argued that the Recruitment Rules framed by Govt. of Maharashtra dated 16.2.1989 for the Post of Principal of I.T.Is are not in conformity, with these guidelines. The rules mention only Electrical or Mechanical Engineering as qualification for these posts, and should be read and interpreted according to

NCVT norms. Learned Counsel for the Applicants submitted that Training Manual of NCVT is enacted under Article 73 at the Constitution under entry 65, 66 of List I and rules framed by Government of Maharashtra in relation to Technical Education are issued in exercise of power under Entry 25 of List III. As such orders of NCVT will prevail over rules framed by Govt. of Maharashtra. As training Manual prescribes 'equivalence', Maharashtra rules should be read accordingly.


7. Learned Adv. Shri C.T.Chandratre in O.A. no. 121/2016 adopted the arguments of learned advocate Gharate. He stated that the Applicant in this O.A., is probably in the merit list based on his performance in the interview. As he holds equivalent qualification, he should be declared successful.

8. Learned C.P.O. argued on behalf of the Respondent No.1 that the action taken by the Commission was strictly as per Recruitment Rules. He stated that past practices, if not in conformity with the rules, cannot be a justification to continue them.

9. Learned Adv. Shri D.B.Khaire, Special Counsel for the Respondent no. 2 & 3, argued that the advertisement issued by M.P.S.C. on 1.11.2013 in para 4.3(i) clearly mentions that degree at Bachelor's or Master's level in Electrical or Mechanical Engineering are required for the post of Principal

I.T.I. and equivalent posts. These qualifications have been quoted from Rule 3 of the Principal and the Vice-Principal Industrial Training Institute in Maharashtra Educational Service, Cass I (Junior) Recruitment Rules, 1989 notified on 16.2.1989. The said qualifications were prescribed in the recruitment rules because Electrical and Mechanical Engineering are the core branches of the engineering. The other branches such as Electronics Computer, Production etc. are allied branches of Engineering. As the training imparted at I.T.Is is related to care branches, these qualifications have been specified in the recruitment rules.

10. Learned Special Counsel argued that the Applicants did not have degree either in Mechanical Engineering or Electrical Engineering but in other branches like Production Engineering/ Electronics & Power Engineering etc. Learned Special Counsel argued that the Applicants furnished incorrect information in their Online application forms by claiming that they had degrees in Mechanical/ Electrical Engineering and they were called for interview on the basis of incorrect information furnished by them. Learned Special Counsel stated that equivalence can be decided only by experts. However, that question would arise only when the recruitment rules provide for equivalence. When the rules do not provide for equivalence, unless the same are amended, the question of referring the matter to an expert Committee to decide equivalence would not arise. Learned Special Counsel argued that this Tribunal cannot decide equivalence



of various degree. In the past, some persons were allowed by M.P.S.C. with so called equivalent qualifications, but that action is not in accordance with the Recruitment Rules and cannot be allowed to be repeated. G.R. dated 6.5.2013 issued by the Higher and Technical Education Dept. applies to appointment of teachers in Polytechnics and Engineering Colleges which are guided by All India Council for Technical Education and not by NCVT and has no application to I.T.Is and Technical High Schools. The Government had issued G.R. dated 2.12.2013 for I.T.Is but it was withdrawn by G.R. dated 3.3.2015. It was issued after the last date of filing application as per advertisement dated 1.11.2013 and had no application for that Selection process. Learned Special Counsel argued that the Recruitment Rules for various Group 'A' and 'B' posts in I.T.Is and Technical High Schools have been framed based on the guidelines issued by Director General Employment and Training, Govt. of India. There is no conflict between the guidelines issued by NCVT & recruitment rules framed by Government of Maharashtra.

11. Learned Special Counsel argued that if the candidature of the Applicants is accepted, other candidates having degrees in equivalent subjects, who would also have to be treated as eligible, but who could not participate in the selection procedure, will be prejudiced unlike the Applicants, who filled incorrect information to become eligible to participate in the selection process. In any case, question would arise as how to determine 'equivalence' in absence of

any definitive instruments like G.R. or Circular in this regard. The Applicants cannot be allowed to decide such equivalence themselves. Learned Special Counsel relied on the judgment of Bombay High Court, Aurangabad Bench in the case of Pallavi Sadashiv Bande Vs. Government of India and others in W.P. no 8030 of 2015 and others where Hon'ble High Court has held that the qualifications mentioned in advertisement alone will be considered for selection to a particular post and the Courts cannot decide equivalence of various degrees.

12. We find that the Applicants have filled their online application forms, as if they had degrees in Mechanical/ Electrical Engineering through in fact they did not have such degrees. They claim to have informed M.P.S.C. immediately thereafter that they had equivalent degrees. However, the fact remains, that if the Applicants have filled the application forms correctly, their online applications would not have been accepted and they would not have been allowed to appear for written screening test. In fact, when the Applicants were called for interview, this fact came to light when their original documents were checked by M.P.S.C. They were interviewed by virtue of interim orders of this Tribunal. The claim of the Respondents that by this conduct, the Applicants derived undue benefit, which was not available to other candidates who could have applied, had they known that candidates having equivalent qualification were also eligible to apply, is correct. If the

claim of the Applicants that persons holding 'equivalent' degree is accepted, then the entire selection process will have to be scrapped to ensure that all those who could have competed, were give fair opportunity to do so.

13. The Applicant in O.A. no 317/2015 has claimed that earlier in pursuance of advertisement no 3/1999 of M.P.S.C., dated 16.6.1999, he was allowed to participate in the selection process, though he has a degree in Production Engineering, which is equivalent to Mechanical Engineering. He also claims that Marathwada University, Aurangabad has certified that degree in Production Engineering is equivalent to degree in Mechanical Engineering. This is stated in para 6(c) of the O.A. In affidavit in reply filed by the Respondent no.1 on 17.7.2015, it is stated that Exhibit 'D', which is stated to be a certificate from Marathwada University, is unreadable. We find that this contention is correct. The date on which this certificate was issued is also not visible. It must, however, be quite old as the name of the University now is Dr. Babasaheb Ambedkar Marathwada University. This claim of the Applicant is unverifiable. However, even if this claim is accepted, whether it will be binding on Govt. of Maharashtra is the moot question. In our opinion, such equivalence has to be provided in a definite instrument accessible to all e.g. a G.R. or a Circular. It cannot be left to be determined on case to case basis, on certificates of one University or another or in a haphazardous manner. The fact that in the past, such equivalence was accepted by

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M.P.S.C. cannot be a ground to hold that such practices should be allowed to continue if they are not in conformity with the Recruitment Rules.

14. The Applicants have relied upon the Training Manual for Industrial Training Institutes, issued by Directorate General of Employment and Training, New Delhi. For Principles (Senior Scale) the following qualification is prescribed, viz.

“A degree in the appropriate branch of Engineering/Technology of a recognized University or equivalent with 5 years experience.”

The recruitment rules of Govt. of Maharashtra for the said post were notified on 16.2.1989. It is not clear when the Manual was issued. In any case, the instructions of NCVT as given by Director General, cannot be called recruitment rules. They have to be adopted by the state Governments. Rules of 1989 are issued under the proviso to Article 309 of Constitution and it will be difficult to hold that guidelines issued by NCVT will supersede them. In any case, even if this claim is accepted, the question of ‘appropriate’ branch of Engineering will remain unanswered. Govt. of Maharashtra has decided that ‘appropriate’ branches are Electrical and Mechanical Engineering. There does not appear to be any objection from NCVT regarding this decision of Government of Maharashtra. The equivalence may not mean equivalence of degree in one subject with another subject. It probably

refers to degrees equivalent to Engineering degrees like AMIE.

15. The question of 'equivalence' has already been discussed in preceding paragraph and it is clear that for equivalence clear instructions accessible to all should have been available, if it was to be considered for determining eligibility of candidates for selection.

16. Let us now consider the G.Rs regarding equivalence One G.R. dated 6.5.2013 is referred to by the Applicants. This is issued by the Govt. in Higher & Technical Educations Dept. and it is applicable for Teacher in Govt. Polytechnics and Engineering Colleges. Here, the equivalence of engineering degrees in various subjects have been prescribed. There are different Recruitment Rules for the teachers in Govt. Polytechnics. In these rule schedule 'A' itself gives equivalence of various degrees. The G.R. dated 13.5.2013 or 23.5.2014 are not applicable to I.T.Is. They are issued as per guidelines of all India Counsel for Technical Education (AICTE) for teachers in Polytechnics & Engineering colleges. G.R. dated 2.12.2013 has, however, been issued for I.T.Is and it prescribed equivalence for various degrees. It is significant to note that this G.R. was issued after advertisement no. 89/2013 was issued by M.P.S.C. on 1.11.2013 after the last date of acceptance of application forms was over. On the basis of that G.R., the Applicants cannot claim that 'equivalence' was accepted by

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the Respondents for the selection process in pursuance to advertisement no 89/2013 dated 1.11.2013. The contention of the Applicants that GATE recognizes equivalence does not merit any serious consideration.

17. The Applicants have relied on the following judgment:


Jyoti K.K. & Others Vs. Kerala Public Service Commission & others: JT 2002 (1) Suppl. SC 85.

In this case, qualification for the post of sub-engineer was Diploma in Electrical Engineering. The appellants before Hon'ble S.C. were degree holders in Electrical Engineering. Their candidature was rejected by Kerala Public Service Commission on the ground that they did not have necessary qualification of Diploma. However, if a person has acquired degree after acquiring Diploma, he was held eligible. This decision was up-held by Kerala High Court. However, Hon'ble Supreme Court held that "when that position is not clear but on the other hand rules do not disqualify per S.C. the holders of higher qualification in the same faculty, it becomes clear that the rule could be understood in the appropriate manner as sated above. In this case we are not concerned with the question whether all those who possess such qualifications could have applied or not. When statutory rules have been published and those rules are applicable, it presupposes that everyone concerned with such appointment will be aware of such rules or make

himself aware of the rules before making appropriate applications.”

In this case Hon'ble Supreme Court did not accept the argument that other degree holders who did not apply, as the rule did not clearly state that degree holders were eligible for the post, will vitiate the selection process. Hon'ble Supreme Court held that when the rule did not prohibit persons with higher qualification, such persons, if they did not apply, cannot blame anyone else but themselves that they were unfairly treated. Hon'ble Supreme Court held that on this ground selection process could not be said to be vitiated. In the present case, there is no confusion about the rules, which are absolutely clear. Only persons who have Electrical or Mechanical Engineering degrees could have applied. The Applicants wrongly filled the application forms, showing themselves as holding degrees in Mechanical/Electrical Engineers. Others did not know that such wrong filling of forms was admissible. Such persons were definitely deprived of opportunity to apply for the posts advertised in present case. This case is clearly distinguishable.

18. Learned Special Counsel for the Respondents no. 2 & 3 has relied on the judgment of Hon'ble Bombay High Court in Pallavi Sadashiv Bande's case (Supra). Hon'ble High Court held that qualification of Bio-Technology, Home Science, Food Processing and Forestry may not be treated as requisite qualification for the recruitment of Agriculture



Field Officer under Banking sector. In the advertisement for the post, qualification of B.Sc. (Agriculture – Bio Technology) was not mentioned. It was held by Hon'ble High Court that:

“In the light of discussion in the foregoing paragraphs and the ratio laid down by Hon'ble Supreme Court in the case of State of Rajasthan and others Vs. Lata Arun (cited supra) and other judgments referred to hereinabove, it is not for Courts to decide whether a particular educational qualifications should or should not be accepted as equivalent to the qualification prescribed by the authority. Therefore, the petitioners are not entitled for the reliefs prayed for in the Petition hence, Petitions stand rejected.”

In the present case, the Applicants are seeking equivalence of qualifications when the statutory Rules or the advertisement do not mention equivalence. We are unable to grant any equivalence of various qualifications, in the light of the aforesaid judgment of Hon'ble High Court.

19. All the issues raised by the Applicants have been examined and we have concluded that those who do not have degrees at Bachelors or Masters level in Mechanical or Electrical Engineering were not eligible to apply for the posts advertised by M.P.S.C dated 1.11.2013. Their prayers, either to hold them eligible for being considered for selection, or to declare the selection process as illegible, cannot be granted.

20. In O.A. no. 244/2014, the Applicants have degree in Production Engineering, and they had not applied pursuant to advertisement dated 1.11.2013 issued by the Respondent no.1. They claim that as per G.R. dated 2.12.2013, they were eligible to be considered for selection for various posts advertised by M.P.S.C. as that G.R. provided for degree in Production Engineering as equivalent to degree in Mechanical Engineering. The Applicants sent representation dated 16.11.2013 for inclusion of equivalent degrees in the said advertisement. The Applicants are seeking retrospective application of G.R. dated 2.12.2013. However, as it was not done and the Respondent no. 1 has gone ahead with the selection process, the Applicants are seeking that the entire selection process may be quashed.

21. We have already examined the issues raised by the Applicants in this O.A. and have held that the action of the Respondents was correct. We have held that G.R. dated 2.12.2013, could not be applied to advertisement dated 1.11.2013 issued by M.P.S.C. In any case, Recruitment Rules do not permit any equivalence of degree in one subject with another. As such the persons having degree in any branch of engineering other than Electrical or Mechanical Engineering were not eligible to be considered for selection. Such persons cannot challenge the Selection Process.

22. Having regard to the aforesaid facts and circumstances of the case, these O.As are dismissed with no order as to

costs. As the O.As have been disposed, nothing survive in various M.As which are also disposed of with no order as to costs.

Sd/-
(R.B. MALIK)
MEMBER (J)
03.05.2016

Sd/-
(RAJIV AGARWAL)
(VICE-CHAIRMAN)
03.05.2016

Date : 26.04.2016

Place : Mumbai

Dictation by : NMN

D:\Naik\Judgement\2016\April\O.A. 309-2016 w M.A.551-2015 w M.A. 321-2015 w O.A.316-2016 w M.A.550-15 w M.A.284-15 w O.A.317-2016 w M.A.285-15 w O.A.821-15 w O.A.244-14 w O.A.121-16 VC & MJ.doc