

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO 366 OF 2009

DISTRICT : BHANDARA

Shri Ramesh Gangaram Gajapure, )  
Occ :Service, C/o Rupesh Collection)  
[Plot], Lakhandur, near Tahsil office )  
Dist-Bhandara. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through its Secretary, )  
Revenue & Forest, )  
Mantralaya, Mumbai 400 032. )  
2. The Divisional Commissioner, )  
Nagpur Division, Nagpur. )  
3. Collector, )  
Bhandara. )...**Respondents**

None for the Applicant.

Shri V.A Kulkarni, learned Presenting Officer for the Respondents.

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

**DATE : 06.07.2017**

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

**ORDER**

1. None for the Applicant. Heard Shri V.A Kulkarn, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant challenging the final seniority list of Junior Clerks published on 18.1.2008 by the Respondent no.

3. The Applicant is seeking seniority in the cadre of Junior Clerk from the date of initial appointment.

3. The Applicant was appointed as a Junior Clerk by the Respondent no. 3 on 24.3.1983 from O.B.C category. The Applicant completed 45 years of age on 20.12.1996. The Applicant claims that he was exempted from the passing Revenue Qualifying Examination w.e.f 20.12.1996. The provisional seniority list of Junior Clerk as on 1.1.2008 was published on 6.9.2008. The Applicant raised objections to that list that Junior Clerk, who passed Revenue Qualifying Examination after the Applicant was exempted from passing the same, have

been shown above him in the seniority list. However, his objections were not considered and the seniority list was published on 18.11.2008.

4. Learned Presenting Officer (P.O) argued on behalf of the Respondents that the seniority list under challenge was prepared strictly in accordance with the relevant rules. A Junior Clerk can lose seniority, if he fails to pass the S.S.D Examination in given time and chances. He can also lose seniority, if he fails to pass the Revenue Qualifying Examination within prescribed time and chances.

5. In the present case, the Applicant had admitted that he did not pass the Revenue Qualifying Examination and was exempted from passing the same on reaching the age of 45 years. His seniority for promotion to the post of Awal Karkoon would be reckoned from the date of exemption from passing the Revenue Qualifying Examination. Seniority of a Junior Clerk, who had passed Revenue Qualifying Examination within prescribed chances and time, will be counted from the date of his initial appointment as Junior Clerk. In such a case, a Junior Clerk, who has passed Revenue Qualifying Examination later than the date on which the Applicant was exempted from passing Revenue Qualifying Examination, will become senior to the Applicant.

6. We fully agree with the submissions made by learned Presenting Officer. Full Bench of this Tribunal, in which both of us were also Members, in O.A no 354/2015 & Ors in the Principal Bench, by judgment dated 2.2.2017, has examined this issue threadbare. The Applicant has lost seniority for failure to pass Revenue Qualifying Examination within the prescribed time and chances and there is no legal basis for his claim that he is eligible to get seniority from the date of his initial appointment or that he is entitled to any relief.

7. Having regard to the facts and circumstances of this 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 : 06.07.2017**  
**Dictation taken by : A.K. Nair.**