

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION NO.421 OF 2016**

Mr. Rajendra Kamlakarrao Ghodke, )  
Age : about 42 years, Occ. Presently, )  
Working on contract basis, )  
R/o. Plot No.72, Sonal Nagar, )  
Near Railway Station, Jalna )  
Dist. Jalna 431 213 ) **....Applicant**

**Versus**

1. The State of Maharashtra )  
Through its Secretary, )  
Department of Higher & Technical )  
Education, Mantralaya, )  
Mumbai 400 032 )  
2. Director, )  
Vocational Education and Training, )  
Office of the Directorate of )  
Vocational Education and Training )  
Maharashtra State, 3 Mahapalika )  
Marg, Post Box No.10036, )  
Mumbai 400 001 )  
3. Joint Director, )  
Vocational Education and Training )  
Regional Office, Ghole Road, )  
Pune 411 005 ) **....Respondents**

Mr. S.S. Deokar, learned Advocate for the Applicant

Mr. A.J. Chougule, learned Presenting Officers for the Respondents.

**DATE : 19.07.2023**

**CORAM : JUSTICE MRIDULA BHATKAR, CHAIRPERSON**

**MS. MEDHA GADGIL, MEMBER(A)**

**J U D G M E N T**

1. Applicant prays that the Respondent be directed to issue the appointment order in favour of the Applicant for the post of Craft Instructor (Surveyor).

2. Pursuant to the advertisement dated 03.08.2011, Respondent no.3, invited the applications for filling 69 vacancies for the post of Craft Instructor, including in the trade of Surveyor and Craft Instructor (Surveyor). The Applicant applied for the post of Craft Instructor from OBC category. He appeared for the examination and also for the interview. The final select list was published on 22.10.2011. The Applicant's name appeared at Sr. No.25 in OBC category so he was directed to produce Caste Certificate by letter dated 25.10.2011. The application was made by the Applicant for obtaining the Caste Validity Certificate on 14.11.2011. Thereafter he received the Caste Validity Certificate on 27.01.2012 and produced the said certificate on 31.01.2012. The Applicant was not given appointment on account that he did not possess the caste certificate. Learned Advocate relies on G.R. dated 12.12.2011, wherein the Government has taken the policy decision that the candidate who is selected in the reserved category is to be given temporary appointment subject to the decision of Caste Scrutiny Committee regarding production of Caste Validity Certificate.

3. Learned Advocate for the Applicant Mr. Deokar has submitted that earlier he has filed O.A.No.787/2012 at M.A.T. Bench Aurangabad and it was withdrawn on the ground of territorial jurisdiction and with liberty to file before the appropriate forum and it was allowed to be withdrawn on 15.03.2016. Subsequently this O.A. was filed on 03.05.2016 at M.A.T. Mumbai.

4. At the outset we note that in fact by way of G.R. dated 12.12.2011, the Applicant was protected and he was eligible for appointment on temporary basis. However, it was not given by the Respondent and so also this fact was not brought by the Applicant before the Aurangabad Bench prior to 2016 or immediately after filing this O.A. before the M.A.T., Mumbai. The matter was never pressed for interim relief. This is very important fact because learned P.O. has pointed out that the age of the Applicant as on today is 49 years and he is age barred.

5. Learned P.O. for the Respondent Mr. Chougule has relied on the G.R. dated 25.04.2016 regarding age bar.

6. Today we are unable to grant this relief to the Applicant since 12 years have lapsed after the date of the advertisement and the entire process of appointment was completed on 22.10.2011. It is not the case that the Applicant was in possession of the Caste Certificate before the final select list was published and his grievance was not considered. It is true that the grievance was not considered by the Respondents in the year 2012 so he filed O.A. The Applicant took proper step by filing the O.A.No.787/2012 at M.A.T Bench

Aurangabad. Though, it was withdrawn subsequently four years after i.e. on 15.03.2016 it was necessary on the part of the Applicant to get the interim order when he had good case on merit in view of the G.R. dated 12.12.2011. It is to be noted that a person has to be vigilant about his own rights. However, the Applicant slumbered over his rights and after such a long time it has now become impossible to give him appointment as he is age barred and all the posts are filled-in and no vacancy is available in those 69 posts which were advertised in the year 2011. We also place reliance on the G.R. dated 25.04.2016 wherein it is specifically mentioned in Clauses 3 and 4 that age limit of 43 years cannot be further increased.

7. We find no merit in the O.A. and the same stands dismissed.

Sd/-

**(Medha Gadgil)**  
**Member (A)**

prk

Sd/-

**(Mridula Bhatkar, J.)**  
**Chairperson**