

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 466/2019 (D.B.)

Gaurav S/o Gulabrao Ganvir,
Aged about 28 years, Occ. Student,
R/o at post Wadala (Paiku), Tq. Chimur,
Dist. Chandrapur.

Applicant.

Versus

- 1) State of Maharashtra through its Secretary
Ministry for Revenue and Forest Department,
Mantralaya, Mumbai-32.
- 2) Maharashtra Public Service Commission
through its Appropriate Authority / Secretary
Cooperage Telephone Exchange Building,
8th floor, Maharshi Karve Road, Mumbai-21.

Respondents.

Shri R.V. Shiralkar, Advocate for the applicant.

Shri V.A. Kulkarni, P.O. for respondents.

**Coram :- Shri Shree Bhagwan,
Vice-Chairman and
Shri Anand Karanjkar, Member (J).**

Date of Reserving for Judgment : 3rd February, 2020.

Date of Pronouncement of Judgment : 13th April, 2020.

JUDGMENT

Per : Member (J).

(Delivered on this 13th day of April, 2020)

Heard Shri R.V. Shiralkar, learned counsel for the
applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The advertisement Annex-A1 was published by the MPSC (R/2) for filling the post of Assistant Conservator of Forests (ACF), Group-A and Range Forest Officer (RFO), Group-B. The applicant applied for both the posts as he was possessing the required educational qualification. The applicant applied for the post of Assistant Conservator of Forests and Range Forest Officer in S.C. category. The applicant scored 224 marks, but ultimately the respondent no.2 did not recommend name of the applicant for either post.

3. It is contention of the applicant that though the applicant scored 224 marks and as the applicant had also applied for the post of Range Forest Officer and for that post the cut off was 208 marks, therefore, it was incumbent on the respondent no.2 to recommend his name for the post of RFO in S.C. category. In this background, the applicant is claiming that direction be issued to the respondent no.2 to recommend his name for the post of RFO in S.C. category and the respondents be directed to appoint him on the said post.

4. The respondents have filed their reply. It is contention of the respondent no.2 that the applicant was not possessing the educational qualification for the post of RFO, Group-B and therefore; the applicant was rightly not considered for that post. It is undisputed that the applicant scored 224 marks and cut off marks for the S.C.

category was 208 marks. It is specific stand of the respondent no.2 that as the applicant was not possessing the required educational qualification, therefore, the respondent no.2 not recommended the name of the applicant.

5. We have heard the respective submissions of the applicant and on behalf of the respondents. Our attention is invited to Annex-A-2 the copy of the application submitted by the applicant. It seems that the applicant applied for the posts of ACF and RFO. In the column of educational qualification, it is mentioned that the applicant was B.E. in Automobile Engineering. According to the respondents, the applicant is Automobile Engineering and as per the required educational qualification, the applicant should have been the Engineer in Chemical/Structural/Civil/Computer/Electrical/Electronics/Mechanical /Computer Science Engineering etc. It is submission of the respondent no.2 that the term Mechanical Engineering is different than the Automobile Engineering and therefore the automobile engineer was not eligible. According to the respondent no.2 as the applicant is not holding any degree as per the required educational qualification, therefore, he was not considered for the post.

6. During course of the arguments, the learned counsel for the applicant has invited our attention to the G.R. dated 18/10/2016. This G.R. was issued by the Government of Maharashtra to remove

the misunderstanding regarding the various degrees in the engineering faculties and the Government of Maharashtra was pleased to clear that the term Mechanical Engineer was equivalent to Automobile/Production/Industrial Engineering. Our attention is also invited to the G.R. dated 6/5/2013. As per this G.R., the Mechanical Engineering was held equivalent to the Automobile Engineering. In view of both the G.Rs., we do not see any merit in the contention of the respondent no.2 that the applicant was not possessing the required educational qualification. It is undisputed that the applicant was holding a degree in Automobile Engineering which was equivalent to Mechanical Engineering, consequently, we accept that the action of the respondent no.2 not recommending the name of the applicant is illegal. In the result, we pass the following order –

ORDER

The O.A. stands allowed in terms of prayer clause nos.1,2 &3. The respondent no.2 to comply the direction within a period of 30 days from the date of this order. The respondent no.1 shall also give deemed date to the applicant. No order as to costs.

(Anand Karanjkar)
Member(J).

(Shree Bhagwan)
Vice-Chairman.

Dated :- 13/04/2020.

*dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble V.C. and Member (J).

Judgment signed on : 13/04/2020.

Uploaded on : 16/04/2020.