

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

ORIGINAL APPLICATION NO.497 OF 2015

DISTRICT : A'BAD

Shri Sanjaykumar G. Kale.)
Age : 46 Yrs, Residing at 301, Suman)
Heights, Phase – I, Farande Nagar,)
Wadi Road, Nanded – 2.)...**Applicant**

Versus

Maharashtra Public Service Commission)
Through its Secretary, Having Office at)
Bank of India Building, 3rd Floor, M.G.)
Road, Hutatma Chowk, Mumbai 400 001.)...**Respondents**

Shri M.D. Lonkar, Advocate for Applicant.

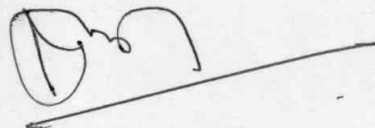
Smt. K.S. Gaikwad, Presenting Officer for Respondents.

CORAM : RAJIV AGARWAL (VICE-CHAIRMAN)

R.B. MALIK (MEMBER-JUDICIAL)

DATE : 22.11.2016

PER : R.B. MALIK (MEMBER-JUDICIAL)

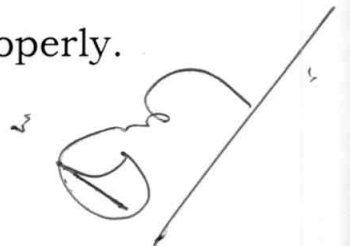


JUDGMENT

1. This Original Application (OA) is made by an unsuccessful candidate for the post of Chief Administrative Officer, General State Services, Group 'A' and the relief sought *inter-alia* is for a declaration that the selection process was against the constitutional provisions enshrined in Articles 14 and 16 and in the alternative, for a relief of deletion of the names of those candidates who according to the Applicant did not possess the requisite experience from the select list.

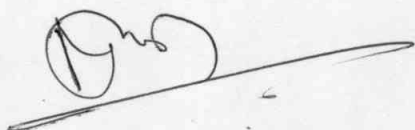
2. We have perused the record and proceedings and heard Shri M.D. Lonkar, the learned Advocate for the Applicant and Smt. K.S. Gaikwad, the learned Presenting Officer for the Respondents.

3. Pursuant to an advertisement, a copy of which is at Exh. 'A' hereof viz. No.27/2014 necessary selection procedure was followed. The Applicant is aggrieved by the manner in which the procedure went about and it is alleged that it was contrary to the established Rules and Regulations. It is alleged that the candidates who did not possess requisite experience were allowed to compete and also Rules and Regulations were not followed properly.



They were in breach of the principles of the Constitution of India as already discussed above. The Applicant has annexed the copies of the applications of the various candidates.

4. The Affidavit-in-reply has been filed on behalf of the M.P.S.C. by Shri Maruti P. Jadhav, an Under Secretary. The details have been furnished with regard to the number of posts advertized by the MPSC. Copies of the Recruitment Rules have been annexed to the said Affidavit-in-reply at Exh. 'R-2' while the copy of the Advertisement is at Exh. 'R-1'. It is pleaded as to how cut-off was provided in accordance with the Rules. The written test was conducted on 3rd August, 2014 and the results were declared on 27th March, 2015. The Applicant competed through Open/General category, but fell short of the cut-off and hence, was an unsuccessful candidate. 32 candidates were called for interview on the basis of the information supplied by them. Reference is made to the Procedure Rules being Rule No.9(iii) of the Rules of Procedure of 2014. The details have been furnished as to how a large number of candidates were initially found ineligible and as to how proper procedure was followed to enlist other candidates. In short, according to the

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Respondents, the Rules were properly followed and there was no breach of any provision as such.

5. A careful perusal of the Affidavit-in-reply would show that in as much as the Applicant might complain against the procedure followed in the present matter, we find no substance therein and we are quite clearly of the view that the challenge is devoid of substance. It appears quite clearly that the Applicant could even otherwise not have been made to the list and on practical side of it, the selection procedure was not vitiated by any vice. We find no merit in this Original Application and the same is accordingly dismissed with no order as to costs.

Sd-

Sd/-

(R.B. Malik) 22-11-16
Member-J
22.11.2016

(Rajiv Agarwal)
Vice-Chairman
22.11.2016

Mumbai

Date : 22.11.2016

Dictation taken by :

S.K. Wamanse.

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