

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**AURANGABAD BENCH AURANGABAD**  
**ORIGINAL APPLICATION NO. 608 of 2015 (D.B.)**

Pradeep S/o Dnyandevrao Pawar,  
Aged about 50 years, Occ. Full time Teacher  
(Electrical Maintenance),  
Government Technical High School, Paithan,  
Permanenet R/o 6, Sujata Residency,  
New SBH Colony, Shahanoorwadi,  
Aurangabad.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through Principal Secretary,  
Higher & Technical Education Department,  
Government of Maharashtra,  
Mantralaya, Mumbai.
- 2) Secretary,  
Maharashtra Public Service Commission,  
3<sup>rd</sup> floor, Bank of India Building,  
Mahatma Gandhi Road,  
Hutatma Chowk, Mumbai-1.

**Respondents**

---

**Smt. S.R. Bhilegaonkar, Advocate for the applicant.**

**Shri N.U. Yadav, Id. P.O. for the respondents.**

---

**Coram :- J.D. Kulkarni, Vice-Chairman (J)**  
**AND**  
**P.N. Dixit, Member (A).**

---

**JUDGEMENT**

**(Delivered on this 7<sup>th</sup> day of April,2018)**

Heard Smt. S.R. Bhilegaonkar, learned counsel for the  
applicant and Shri N.U. Yadav, learned P.O. for the respondents.

2. The applicant joined the services as Instructor, Industrial Training Institute (ITI) with respondent authorities and was subsequently selected by the Regional Selection Committee as Full Time Teacher (Electrical Maintenance) in the year,2009.

3. On 01/11/2013 the respondent no.2 issued an advertisement no.91/2013 for the post of Principal / Vice Principal, Industrial Training Institute, Head Master / Superintendent Engineer, Technical High School / Center, Maharashtra Education Service, Group-B (technical). The total seats advertised were 64+24 out of which 21+10+2 were kept for Open, 6+3+1+7 were for Scheduled Caste (SC), 5+2+6 was for Scheduled Tribe (ST), 1+3 was reserved for Vimukta Jati, 1 for Nomadic Tribe (c), 1 for Nomadic Tribe (D) and for Other Backward Class (OBC) the reservation was 7+3+1+8.

4. Admittedly, the applicant belongs to NT (B) category for which there was no reservation. The applicant therefore applied for the Open category. He was allowed to appear for screening test and also passed the same and thereafter was called for interview. The merit list was published on 8/9/2015. The applicant got 102 marks in screening test and 28 marks in interview. Thus secured total 130 marks.

5. The respondent no.2 on 8/9/2015 itself published list of recommended candidates and in the said list the candidate at sr.no.34

who obtained 130 marks, candidate at sr.nos. 36 & 37 who obtained 128 marks and candidate at sr.no.43 who obtained 126 marks have been recommended. The applicant stands at sr.no.32 in the merit list and still his name was not recommended and therefore the applicant has filed this O.A. The applicant has claimed direction to respondent no.2 to recommend his name as per merit for the post of Principal / Vice Principal, Industrial Training Institute, Head Master/ Superintendent Engineer, Technical High School / Center, Maharashtra Education Service Group-B (technical).

6. The respondent no.2 has filed the affidavit-in-reply and denied the applicant's claim. The respondents admitted that there was no post reserved for NT (B) category and therefore the applicant's claim was considered for Open category post only. The marks secured by the applicant and other candidates as stated by the applicant, is admitted. According to respondent no.2 the Open (general) posts were exhausted till the candidate at sr.no.18 and no Open posts were available and the applicant at sr. no.32 was not considered. As regards the objection to the recommendation of the candidates at sr.nos. 34,35,38,42 and 43 is concerned, it is stated that the candidates belonging to other categories were considered as per their respective categories and there was absolutely no reason to consider the applicant except for Open (general) category.

7. The learned P.O. has invited our attention to the final select list which is at Annex-A-3. From the said list it seems that the applicant has been placed at sr.no.32 and though he belongs to NT (B) category, he is considered from Open (general) category. He obtained 102 marks in screening test and 28 marks in interview thus total is 130 marks. However for the Open (general) category the candidate at sr.no. 18 has been considered as a last candidate. This candidate though belongs to SC category has been considered from Open (general) category and this the candidate at sr.no.18 by name Shri A.A. Alte got 108 in screening test and 30 marks in interview thus total marks he obtained 138 marks which is more than the applicant, who got 130 marks. The bench marks for the Open (general) category thus seems to be 138 marks, whereas the applicant got only 130 marks and therefore there was absolutely no reason to consider the applicant's name from Open (general) category.

8. So far as the candidate at sr.nos. 34, 35,36, 37 and 43 are concerned, it is material to note that the candidate at sr.no.34, S.S. Kadam got 104 marks in screening test and 26 marks in interview. Thus total 130 marks but he is considered against Open (female). The candidate at sr.no.35 R.P. Mehendale belongs to OBC category and he is considered from OBC (general) category though he got 129 marks. The candidate at sr.no.36 M.M. Bidkar belongs to Open (general) category and he is considered against Open (female)

category though secured 128 marks. The candidate at sr.no.37 S.S. Kute is OBC candidate and his name is considered against OBC (general) category. He also secured 128 marks, whereas the candidate at sr.no.43 P.S. Jain has been considered against Open (female) category and he secured 126 marks. There seems to be compartmental reservation in the advertisement itself and therefore the candidates who got less marks than the applicant were considered for a particular category / compartment of the reservation. The applicant admittedly applied for Open (general) category and he secured less marks than the last person from Open (general) category and therefore he cannot be considered for any other reservation except Open (general) category. We do not find any illegality in the recommendation of candidates at sr.nos. 34,35,36,37 & 43 and non recommendation of the applicant. Hence we pass the following order:-

**ORDER**

The O.A. stands dismissed with no order as to costs.

**(P.N. Dixit)**  
**Member (A).**

**(J.D. Kulkarni)**  
**Vice-Chairman (J).**

**Dated :- 07/04/2018.**

dnk.