

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR**

**ORIGINAL APPLICATION NO.612/2018.** (D.B.)

Dr. Sandeep Babusingh Dabhekar,  
Aged about 37 years,  
Occ-Service,  
R/o C/o Shri B.N. Dabhekar, Wankhede Nagar,  
Dabaki Road, Akola.

**Applicant.**

**-Versus-**

- 1) The State of Maharashtra,  
Through its Principal Secretary,  
Department of Medical Education and Drugs,  
G.T. Hospital Campus Building,  
9<sup>th</sup> floor, Fort Mumbai-400 001.
- 2) The Principal Secretary, Selection Board,  
Department of Medical Education and Drugs,  
G.T. Hospital Campus Building,  
9<sup>th</sup> floor, Fort Mumbai-400 001.
- 3) Medical Council of India,  
Through its Secretary, M.C.I. Building,  
Pocket No.14, Sector 8,  
Dwarka Phase-1,  
New Delhi-110 077.

**Respondents**

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Shri N.D. Thombre, the learned counsel for the applicant.  
Shri A.M. Ghogre, the learned P.O. for respondent Nos. 1 and 2.  
None appeared for respondent No.3.

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**Coram:-Shri Shree Bhagwan, Member (A) and**  
**Shri Anand Karanjkar, Member (J)**

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**ORAL JUDGMENT**

(Passed on this 27<sup>th</sup> day of March 2019.)

**Per:- Member (J)**

Heard Shri N.D. Thombre, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent Nos. 1 and 2. None appeared for respondent No.3.

2. It is the case of the applicant that he passed MBBS examination in the year 2003 and he became post graduate M.S. (E.N.T.) in the year 2008. It is submitted that thereafter the applicant was registered with Maharashtra Medical Council, Mumbai as per rules. The applicant initially worked with Dr. Ulhas Patil Medical College and Hospital, Jalgaon as Senior Resident from 6.10.2008 to 9.5.2009 and thereafter as a Lecturer from 10.9.2009 to 15.2.2010. The applicant was thereafter appointed as Assistant Professor E.N.T. by the Govt. Of Maharashtra and he was posted at Government Medical College and Hospital, Akola vide order dated 14.10.2014. The applicant is a member of Scheduled Tribe.

3. Respondent No.2 published advertisement on 5.5.2018 and invited applications to fill the posts of Professor, Associate Professors and Assistant Professors in the various medical colleges in the State of Maharashtra. The applicant applied for the

post of Associate Professor E.N.T. the post reserved for ST candidate. There was scrutiny of applications, then five candidates were called for interview, but the applicant's name was not included in the said list, consequently, the applicant approached this Tribunal.

4. It is the submission of the applicant that, though he was possessing required qualification and experience, then also he was not called for interview; therefore, the entire action of respondent No.2 was illegal. It is submitted that the applicant was the only ST candidate who had applied for the post and as he was not called for interview, therefore, the post is lying vacant. It is submitted that in this situation, as the applicant is possessing educational qualification and experience as per advertisement, therefore, directions be given to the respondents to appoint the applicant on the post of Associate Professor E.N.T.

5. The respondents have submitted their reply which is at page 66 and have resisted the application. It was contention of the respondents that the applicant was not possessing the experience of five years teaching, therefore, the applicant was not eligible, therefore, he was not called for interview. In view of these reasons,

it was contended by the respondents that no fault was committed by respondent No.2 in not calling the applicant for interview.

6. Matter was heard at length and on perusal of the application (A-5), it was noticed by this Bench that the applicant did not fill the column of "publication". As per advertisement, candidate applying for the post of Associate Professor, must possess four years' teaching experience as Assistant Professor and publication of two research papers in Index Journals in the capacity of first author or as corresponding author. On perusal of application (A-5), it was noticed that the column of "publication" was left blank by the applicant and last page was not filed with Anx. A 5. Therefore, this Bench made a query with the learned counsel for the applicant and the applicant thereafter submitted Annexure AA-1 describing it as complete copy of Anx. A-5 along with list dt/20-3-2019 which is at page 88 of the paper book.

7. When Annexure-5 and AA1 were examined, it came to the notice of this Bench that the Annexure-AA-1 was totally different application and it has no nexus with the advertisement for filling the post of Associate Professors. The applicant has placed on record a copy of advertisement which is at Annexure-4, it is bearing No. is 1/2018, whereas in Annexure-AA-1, the advertisement No. is

mentioned as 21/2018. In Annexure-AA-1, post name is Associate Professor, (Oto-Rhino-Laryngology). Transaction I/D number is mentioned as 1800106004955700000005 (Page No.88). If Annexure-AA-1 is compared with Annexure A-5, it seems that this is totally different application. In Annexure A-5, there is a signature below photograph which is absent in Annexure-AA-1. Secondly, in Annexure-AA-5 (Page 40), transaction I/D is altogether different. In Annexure-AA-1, qualification details are given on page No.2 and it seems that the qualification details were given SSC/10<sup>th</sup> standard examination, HSC and graduation MBBS. In Annexure-AA-1, it is nowhere mentioned that the applicant passed post graduation examination i.e. M.S. (E.N.T.). Thus, on perusal of both the applications, Annexure-A-5 and Annexure-AA-1, it clearly appears that two applications which are placed on record are altogether different and they have no nexus with each other. On perusal of Annexure-AA-1 (Page 3), there was a specific question, "Do you have four years' teaching experience as Assistant Professor plus one year Senior Residency in MCI recognized Medical College?" Answer was given "Yes". Whereas on perusal of allegations in the O.A., it seems that the applicant never completed one year service as Senior Resident. In the application, it is alleged that the applicant worked

as Senior Resident in Dr. Ulhas Patil Medical College and Hospital, Jalgaon from 6.10.2008 to 9.5.2009. That period was 7 months and 3 days. Thus, it seems that false information was given by the applicant in Annexure-AA-1 that he completed one year Senior Residency in Medical Council of India recognized Medical College.

8. After reading Annexure-A-5 and Annexure-AA-1, it has to be stated that both the applications are contradictory and there is some foul play. It seems that the application Annexure-AA-1 was submitted later on and it is in relation to advertisement No. 21/2018 and first application Annexure-A-5 was incomplete, because in the column of "publication" was left blank. In this situation, as the information given by the applicant to respondent No. 2 in Annexure-A-5 was incomplete, consequently the applicant was not called for interview. In view of the matter, we are compelled to say that no wrong is done by the respondent No.2 in not calling the applicant for interview. In view of the discussion, we do not see any merit in the submission of the applicant that the applicant was holding experience as required. Hence, we proceed to pass the following order:-

**ORDER**

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

(Anand Karanjkar)  
Member (J)

(Shree Bhagwan)  
Member (A)

Dt. 27.3.2019.

pdg

