

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO.801/2014

Sachin Balwantrao Kakde,
Aged about 38 years,
R/o Konark Coloney, Kathora Road,
Amravati, Tah. and Distt.
Amravati.

-----**Applicant.**

Versus

1. The State of Maharashtra,
Through its Secretary,
Public Health Deptt., Mantralaya,
Mumbai.
2. The Director of Public Health Services,
Maharashtra State, Arogya Bhavan, Saint George
Hospital Premises, P. Demelo Road,
Mumbai, 400 001.
3. The Dy. Director of Health Services, Akola Division,
Behind District Women Hospital, Akola.
4. Maharashtra Knowledge Corporation Ltd.,
Pune.

----- **Respondents.**

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1. Shri D.M. Kakani, Advocate for the applicant.
 2. Smt. S.V. Kolhe, Presenting Officer for the Respondents
no. 1 to 3.
 3. Smt. A.R. Taiwade, Advocate for R/4.

CORAM : **B. Majumdar : Vice Chairman**
and

S.S. Hingne : Member (J)


DATE : **28th April, 2016**

ORDER**PER VICE-CHAIRMAN**

Heard Shri D.M. Kakani, Id. Counsel for the applicant, Smt. Kolhe, Id. P.O. for R/ 1 to 3 and Shri A.R. Taiwade, Id. Counsel for R/4.

2. The O.A. is heard and disposed of at the admission stage with the consent of the parties.

3. The applicant is aggrieved that he has not been selected for the post of Blood Bank Technician in the Public Health Department. On 27/6/2008 the Govt. in GAD issued a circular that for eligibility for appointment to a Group-C post, a minimum of 45% score in the written test is required. On 15/4/2013, the Dy. Director of Health Services, Akola (R/3), issued an advertisement for various posts including that of Blood Bank Technician (Group-C). 30% of the posts were reserved for those who have worked for a minimum of 180 days as Seasonal Senior Area Workers. As the applicant fulfilled this condition, he applied for the post from the category of Open (General). The recruitment was done through the Maharashtra Knowledge Corporation Ltd., (MKCL), Akola (R/4).



It is the submission of the applicant that he fulfills all the conditions for appointment as a Blood Bank Technician from the 30% quota earmarked for the Seasonal Health Workers. R/4 and Dy. Director, health Services, Akola (R/3) in their reply submit that for the post of Blood Bank Technician for Akola Division, the merit list consisted of 2 candidates as only these two candidates had appeared for the on line examination. As the applicant had scored 88 out of 200, that is, less than the qualifying mark of 45%, as per the G.R. dtd. 27/6/2008, he was declared as ineligible.

4. On 2/12/2014 the Tribunal by way of an interim order directed that any appointment to the post from the Open category will be subject to the outcome of the O.A.

5. Shri D.M. Kakani, Id. Counsel for the applicant, Smt. S.V. Kolhe, Id. P.O. for R/1 to 3 and Shri A.R. Taiwade, Id. Counsel for R/4 reiterated the submissions made by the respective parties in the O.A.

6. We find that it is undisputed that the applicant has scored 88 out of 200 in the on line examination conducted by



MKCL for recruitment to the post of Blood Bank Technician. The G.R. dtd. 27/6/2008 issued by the GAD prescribed the procedure to be adopted for appointment to Group-C posts by nomination. Para 5 of the G.R. states as follows :-

५. “उमेदवार गुणवत्ता पात्र ठरवण्यासाठी किमान गुण :-

दि. १९/१०/२००७ च्या आदेशातील परिच्छेद क्र. ५(२) येथील तरतुदीनुसार कार्यवाही करतांना जे उमेदवार लेखी परीक्षेत किमान ४५%गुण प्राप्त करतील अशा उमेदवारांनाच व्यावसायिक चाचणी देता येईल. तसेच दि. १९/१०/२००७ च्या आदेशातील परिच्छेद क्र. ५ मधील अ.क्र.१ ते अ.क्र. ४ येथील तरतुदीनुसार कार्यवाही करतांना गुणवत्ता यादीत अंतर्भाव करण्यासाठी उमेदवाराने एकूण गुणांच्या किमान ४५%गुण प्राप्त करणे आवश्यक राहिल. ”

7. As the applicant has failed to score the minimum required 45% in the written test, in terms of the above provisions of the G.R., he was precluded from participating in the further process of recruitment. Thus, the respondents have rightly

rejected his case for selection. The O.A. is without any merit hence stands rejected with no order as to costs.

sd/-

(S.S. Hingne)
Member (J)

sd/-

(B. Majumdar)
Vice-Chairman.

Skt.