

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.811/2023

DISTRICT : MUMBAI

Shri Swapnil Dilip Chaudhari)
R/o. QTRS BLDG 3, Opp. Tata Nagar V.N)
Purav Marg, Chunabhati Mumbai 400 022)
R/o. Near Deshmukh Mangal Karyalay,)
Bagwan Plot Alipur Road, Barshi,)
Tal-Barshi, Dist. Solapur) **....Applicant**

Versus

1. The State of Maharashtra,)
Through its Chief Secretary,)
Department of General)
Administration, Mantralaya,)
Mumbai)

2. The Maharashtra Public Service)
Commission, Trishul gold Feld, Plot)
No.34, Oppos, Sarovar Vihar,)
Sector-11, CBD Belapur, Navi)
Mumbai, Behind Mantralaya,)
Mumbai.) **....Respondents.**

Mr. A.A. Jadhavar, learned Counsel for the Applicant.
Ms. S.P. Manchekar, learned Chief Presenting Officer for the
Respondents.

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Ms. Medha Gadgil, Member(A)

DATE : **14.09.2023.**

J U D G M E N T

1. Applicant wants to fill up the application form for the examination for the post of Assistant Section Officer. The M.P.S.C. has issued advertisement on 14.06.2023 and invited the applications from the candidates. The last date of accepting the application forms was 10.07.2023. The present O.A. is filed on 07.07.2023. Matter was taken up for the first time on 10.07.2023 and it was the last date of accepting the application forms. On 10.07.2023 notice was issued to the Respondents made returnable on 07.08.2023.

2. Learned Counsel has submitted that the Applicant challenges Clause 2(c) of the Limited Departmental Competitive Examination for appointment by selection to the post of Assistant Section Officer, Group-B, (Non-Gazetted) in the administrative Departments of Mantralaya Rules, 2022, dated 01.06.2022 issued by the General Administration Department (G.A.D.) for the post of Assistant Section Officer. In the said Recruitment Rules the definition of Clerk-cum-typist is defined as,

“Clerk-cum-typist means Clerk-typist in Mantralaya Department.”

Learned Counsel has submitted that in the year 2014 the examination was conducted for the post of Clerk-cum-typist by the M.P.S.C. In that examination the candidates were selected and recommended for the post of Clerk-cum-Typist. The Applicant is one of them. Learned Counsel has submitted that the recommendations made by the M.P.S.C. in the year 2014 are on random basis. He has

submitted that the Applicant secured 230 marks and was shown at Serial No.137 whereas the candidates who secured 216 and 214 marks are shown at Serial Nos.350 and 353 respectively. These candidates are from Open Category. Applicant is also from Open Category. The candidates at Serial Nos.350 and 353 were taken in ex-serviceman category though they were not ex-serviceman. Now the Applicant is working as Clerk-cum-typist in the office of Government Printing Press. Thus, injustice is caused to the Applicant. He is unable to appear for the examination as the definition of Clerk-cum-typist in as per Clause 2(c) of the Recruitment Rules dated 01.06.2022 is narrowed and not extended to the other Clerk-cum-typist who have cleared and appointed in the same batch in the year 2014. Thus, the persons of the higher rank but appointed outside Mantralaya are unable to appear for the said examination and deprived of better chances.

3. Learned Chief Presenting Officer has relied on the affidavit-in-reply dated 05.09.2023 filed on behalf of Respondent No.1, through Mr. Vinayak B. Mane, Under Secretary in the office of Addl. Chief Secretary, G.A.D., Mantralaya, Mumbai. Learned C.P.O. has submitted that the examination is going to be conducted on 24.09.2023. She has submitted that the Applicant is raising grievance for the placement in the recommended list of the year 2014 given by the M.P.S.C. and this cannot be raised now. She has further submitted that the definition of Clerk-cum-typist in Clause 2(c) of the Recruitment Rules dated 01.06.2022 cannot be said illegal as the

examination is of Limited Departmental Competitive Examination for the post of Clerk-cum-typist in Mantralaya only.

4. Considered submissions. If the Applicant who is more meritorious than the other two persons as mentioned by the learned Counsel in his submissions then their might have been injustice caused to the Applicant. However, that cannot be stretched till today and can be considered as direct cause of reason for declaring the results as void. Moreover, these are the rules for the Limited Departmental Competitive Examination for the post in Mantralaya. Prima face, there is no illegality. Applicant seeks permission to appear for the examination and his name is to be considered further for the post of Assistant Section Officer in Mantralaya. However, in view of the Clause 2(c) of the Recruitment Rules dated 01.06.2022, he cannot be considered, because only persons working in Mantralaya is eligible to appear for the examination. The said examination is going to be held on 24.09.2023.

5. In view of the relief claimed, as nothing remains in this O.A., the O.A. stands dismissed.

SD/-

(Medha Gadgil)
Member (A)

SD/-

(Mridula Bhatkar, J.)
Chairperson

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