

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO. 823/2012

Shilpa D/o Sakharam Khune
(Presently Smt. Shilpa W/o Ashok Borate)
Aged 24 years, Occupation : Nil
R/o : Pathrood, Tahsil Bhum
District Osmanabad.

Applicant

- **Versus** -

- (1) The State of Maharashtra
Through its Secretary,
Department of Water Resources,
Mantralaya, Mumbai -32.
- (2) The Chief Engineer,
Gosikhurd Project,
Water Resources Department,
Sinchan Bhavan, Civil Lines,
Nagpur.
- (3) The Superintending Engineer &
Coordination Officer,
Vigilance Unit, Irrigation Department,
Administrative Building No. 1,
2nd Floor, Civil Lines,
Nagpur.

Respondents

Shri P. D. Meghe, Advocate for the applicant
Shri P. V. Thakre, Advocate for respondent no. 2
Shri S. C. Deshmukh, P.O. for the respondent nos. 1 and 3

**Coram :- The Hon'ble Shri Justice A. P. Deshpande,
Vice Chairman and
Shri. B. Majumdar,
Member(A)**

Dated :- February 7, 2013

ORDER

Per : Member(A)

Heard Shri P. D. Meghe, learned counsel for the applicant, Shri P. V. Thakre, learned counsel for respondent no. 2 and Shri S. C. Deshmukh, learned P.O. for the respondent nos. 1 and 3.

2. The matter is heard and decided at the admission stage with the consent of the parties.

3. The applicant has filed this O.A. as she is aggrieved that she is not selected for the post of Civil Engineering Assistant in the Irrigation Department from the category of OBC (female) as in her on-line application, she had by mistake entered her gender as male and she did not seek reservation as a female candidate.

4. The applicant had applied for the post of Civil Engineering Assistant in response to an advertisement dated 3-1-2012 issued by the Superintending Engineer, Vigilance Unit,

Irrigation Department, Nagpur (R-3). The applications were to be submitted on-line. In her online application, the applicant though a female, against the column of "gender", she had entered "male". Against another column in the application form at serial no. 18 : Whether the applicant wants to avail of reservation for woman ?, she entered "no". Since the applicant as per her on-line application did not apply from the category of women and did not claim any reservation on that basis, her candidature was considered from the OBC (general) category. As she had secured less marks than that of the last selected candidate in that category, she was not selected.

5. It is the applicant's submission that even though after submission of the application on-line on 31-1-2012, she had submitted the hard copy of the form with her signature as per conditions of the advertisement, in which she had made the corrections to show that she was a female candidate and she wanted to opt for reservation for female, the same was ignored. The respondents could have realized the mistake she had made when the applicant was interviewed or appeared for practical examination. Once the select list was declared, she immediately sent representation pointing out the typographical error she had made. However the same was also not considered.

6. The respondents in their reply submit that the applicant having committed the mistake of entering the option under "gender" as male and not entering her willingness for reservation from the category of female, there was no alternative but to treat her from the category of OBC (general) as she belonged to OBC. The respondents further submit that instructions were contained in the advertisement as well as in the concerned website that for any difficulty in filling of the application form, the candidate could contact through e-mail or use the helpline numbers. However, the applicant did not do so and for her negligence in filling the application form, which is the main document for further processing of data for examination and selection, she alone is responsible.

7. Shri P. D. Meghe, learned counsel for the applicant feebly tried to substantiate the applicant's claim by submitting that she did submit the corrected application form which is signed by her and she had sent the same to the respondents by post on 17-1-2012. This should have been accepted by the respondents as the advertisement required the applicant to submit the print-out of the filled in application along with challan of payment of fees and copies of various certificates.

8. Shri P. V. Thakre, learned counsel for respondent no. 2 as well as Shri S. C. Deshmukh, learned P.O. for the

respondent nos. 1 and 3 submitted that the applicant made a serious mistake with regard to her gender and option for reservation available to a female candidate while entering the details in the on-line application form. The system of on-line application forms is used to facilitate rapid and full proof processing of data for conducting the entire procedure of selection. The applicant was very much aware that once she had made such entries in the on-line application form, she had no option to make any changes except as provided in the advertisement and brochure. She had sufficient opportunity till the last date of submission of application to contact the respondents about the mistakes that she had made and to seek a chance to submit her on-line application afresh after carrying out the corrections. There is no provision for making ^{or accepting} manual corrections in an on-line application form.

9. Having heard the arguments on both sides and after going through the documents on record, we find that as per on-line application, the applicant had mistakenly mentioned her gender to be male and she had also recorded her option not to avail of the reservation for female candidates. As on-line applications are processed in a computer through use of software, the respondents had no opportunity to take cognizance of the mistakes that she had committed on the basis of

corrections she had made in the print-out copy of her on-line application form at a subsequent stage. It is true that had the applicant claimed her reservation from the category of OBC (female), she would have had a fair chance of being selected. However, as she filled the form incorrectly, the same was not considered from the category of OBC (female) and it was considered from the category of OBC (general). Thus, if anyone was to be blamed, it is the applicant alone and the respondents are not at fault in considering the applicant's claim from the OBC (general) category. We thus, find no merit in the submissions made by the applicant as well as learned counsel for the applicant. Hence, the O.A. stands dismissed with no orders as to cost.

sd/-

(B. Majumdar)
Member(A)

sd/-

(Justice A. P. Deshpande)
Vice Chairman

ayw/-