

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 95 OF 2014

DISTRICT : PUNE

Shri Madhukar Sukhdeo Parse,)
R/o: Lalpur, Post Walchand Nagar,)
Tal-Indapur, Dist-Pune.)
Add for service of notice:)
Shri A.V Bandiwadekar, Advocate,)
Having office at 9, "Ram Kripa",)
Lt Dilip Gupte Marg, Mahim,)
Mumbai 400 016.)...**Applicant**

Versus

The Commissioner of Police,)
Mumbai, having office at)
Mumbai Police Commissionerate)
L.T. Marg, Opp Crawford Market,)
Fort, Mumbai 400 001.)...**Respondent**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Shri K.B. Ghise, learned Presenting Officer for the Respondents.



CORAM : Shri Rajiv Agarwal (Vice-Chairman)

Shri R.B. Malik (Member) (J)

DATE : 27.01.2016

PER : Shri Rajiv Agarwal (Vice-Chairman)

ORDER

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant and Shri K.B. bhise, learned Presenting Officer for the Respondents

2. This Original Application has been filed by the Applicant challenging the order dated 4.1.2014 issued by the Respondent informing him that he does not hold educational qualification equivalent to 12th standard and was, therefore, not eligible to be considered for appointment to the post of Police Constable.

3. Learned Counsel for the Applicant argued that the Applicant is an Ex-servicemen. He joined the Indian Army on 3.3.1996 and was discharged from Army service on 31.3.2013. A Certificate showing that he had educational qualification of matriculation was issued by the Competent Authority of Indian Army on 31.3.2013. The Applicant had applied for the post of Police Constable in Maharashtra State Police Recruitment-2013 and submitted his application to the Respondent. He was allowed to participate in the selection process and was found eligible for the post of Police

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Constable. However, by order dated 4.1.2014, his selection was cancelled on the ground that he did not have educational qualification of H.S.C. The Applicant has passed preparatory examination of Yeshwantrao Chavan Open University, but the same was held not equivalent to H.S.C. Learned Counsel for the Applicant argued that the Applicant has S.S.C Certificate issued by the Army authorities. He also has more than 15 years of experience in the Army. As such, his educational qualification ^{is} equivalent to 12th standard in terms of Circular dated 7.9.2000 issued by the Additional Director General of Police, Training & Special Unit. Learned Counsel for the Applicant contended that the Applicant is eligible for appointment to the post of Police Constable as per Maharashtra Police Constable (Recruitment) Rules, 2011 from Ex-servicemen category. Learned Counsel for the Applicant contended that he was selected for the post of Police Constable on 6.9.2013 and therefore did not accept the post of Bank Guard in the State Bank of India. He has been denied appointment in violation of the principles of natural justice, as no notice was given before cancelling his appointment. Learned Counsel for the Applicant contended that the impugned order dated 4.1.2014 may be quashed and set aside.

4. Learned Presenting Officer (P.O) argued on behalf of the Respondent that the Applicant is not S.S.C passed but had passed only 8th standard. He was given a Certificate dated 31.3.2013 by the Army authorities that he is treated as equivalent to matriculation as he had put in 15 years of service in Armed Forces of the Union. Learned Presenting

Officer stated that in the discharge Certificate issued by the Army authorities, it is clearly mentioned that his educational qualification was 8th standard and due to his more than 15 years of service in the Armed Forces, he was treated as having passed matriculation. The Certificate dated 31.3.2013 cannot be treated as S.S.C Certificate per se. The Applicant's claim that this certificate dated 31.3.2013 together with his 15 years service in Army, will make him H.S.C qualified is clearly unsustainable. Learned Presenting Officer stated that G.R dated 20.5.2011 is regarding certificate issued by Yeshwantrao Chavan Open University, Nasik and Preparatory Examination of the said University is not recognized as equivalent to H.S.C. The Circular issued by A.D.G.P (Training & Special Unit) on 7.9.2000 makes it quite clear that only those Ex-servicemen who have passed S.S.C and have more than 15 years of experience in the Armed Forces alone will be eligible for appointment to the post of Police Constable. Those, who have not passed S.S.C examination, will not be eligible for such appointment, regardless of the fact that such a person has worked in the Army for more than 15 years. Learned Presenting Officer argued that the selection of the Applicant was cancelled as he was found ineligible considering his educational qualification at the time of scrutiny of documents. The advertisement for Maharashtra State Police Recruitment-2013 clearly mentioned that the appointment will be subject to verification of all certificates. As the Applicant could not produce HSC or equivalent certificate, his appointment had to be cancelled. As the Applicant was fully aware

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that he did not have HSC Certificate, there is no question of violation of principles of natural justice.

5. We find that the Applicant is given a Certificate by the Army authorities dated 31.3.2013 that his educational qualification may be treated as equivalent to Matriculation (SSC). His claim that this Certificate should be treated as S.S.C Certificate and he should be treated as having educational qualification equivalent to H.S.C due to his 15 years experience in Army as farfetched and cannot be accepted. The Applicant's claim that he has passed preparatory examination of Yeshwantrao Chavan Open University, and therefore, he has qualification equivalent to HSC is not supported by G.R dated 20.5.2011. There is no doubt that the Applicant does not have educational qualification equivalent to H.S.C.

6. The Applicant claims that Circular issued by Additional Director General of Police (Training & Special Units) makes him eligible for appointment as Police Constable is clearly wrong. This Circular is based on G.R dated 5.10.1989 and clarifies that before the Maharashtra Police Constable (Recruitment) Rules, 2011 were notified on 16.6.2011, an Ex-servicemen having educational qualification equivalent to S.S.C was eligible for appointment as Police Constable. However, now only these Ex-servicemen have educational qualification equivalent to HSC are eligible. This clarification is fully ir



consonance with the Recruitment Rules of 2011 and we are unable to see any ground either to challenge this Circular or to claim that the Applicant was eligible to be appointed as Police Constable by virtue of this circular.

7. It is true that the Respondent allowed the Applicant to take part in the selection process and the Applicant was found successful in the same. However, the Applicant does not possess the requisite educational qualification and the action of the Respondent in cancelling this selection cannot be faulted.

8. Having regard to the aforesaid facts and circumstances of the case, this Original Application is dismissed with no order as to costs.

Sd/-

(R.B. Malik)
Member (J)

Sd-

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai

Date : 27.01.2016

Dictation taken by : A.K. Nair.