

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD

**ORIGINAL APPLICATION NO. 09 OF 2013**

**DISTRICT : - NANDED.**

**Dr. Pralhad S/o Ramdhan Rathod,**

Age: 34 years, Occu. Service (as  
Assistant Professor) R/o A-7,  
Godawari Building, Dr. S.C.G.M.C.  
Campus, Nanded,  
Dist. Nanded.

.. APPLICANT.

**V E R S U S**

- 1. The State of Maharashtra,**  
(Copy to be served on P.O.  
M.A.T. Bench at Aurangabad.)
- 2. Maharashtra Public Service Commission,**  
Bank of India Building, 3<sup>rd</sup> floor,  
Mahatma Gandhi Road,  
Hutatma Chowk, Mumbai.

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APPEARANCE : Shri K.G. Salunke, learned Advocate  
for the Applicant.  
: Shri N.U. Yadav – learned Presenting  
Officer for the respondents.

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**CORAM : HON'BLE SHRI RAJIV AGARWAL,**  
**VICE CHAIRMAN (A).**  
**AND**  
**: HON'BLE SHRI P.B. PATIL,**  
**MEMBER (J)**  
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**DATE : 14<sup>TH</sup> FEBRUARY, 2017.**  
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**J U D G M E N T**

**[ Per : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)]**

1. Heard Shri K.G. Salunke – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. By an order dated 5.12.2016 this Tribunal had directed the respondent No. 2 i.e. the Maharashtra Public Service Commission (M.P.S.C.) to file affidavit on certain issues. Accordingly, on 19.01.2017 MPSC has filed additional affidavit in reply and has clarified that though applicant was the only candidate from VJ(A) category, he did not have experience of 5 years as required under the Recruitment Rules. Even after granting relaxation in experience, which could not have been more than 40%, minimum experience of 3 years as Assistant Professor was required. However, the applicant had experience of slightly more than one year. As per the applicant's claim he had 2 & ½ years' experience, which was also less than

three years and he was not eligible to be considered for the post of Associate Professor as per the Recruitment Rules.

3. The posts from DT-NT category are inter-transferable and accordingly two candidates available from N.T.(B) category were called for interview for the post reserved for VJ-A category. These candidates had more than 5 years of experience and one of them was selected. We find that no fault can be found in the action taken by the MPSC in this regard.

4. The learned Advocate for the applicant submits that the applicant has since been promoted to the post of Associate Professor.

5. In view of the facts mentioned above, this Original Application stands disposed of with no order as to costs.

**MEMBER (J)**

**VICE CHAIRMAN (A)**