

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 230 OF 2017**

DISTRICT: - AURANGABAD.

Dr. Kole Nagnath Vinayakrao  
Age : 32 years, Occu: Service /  
Research Assistant Economics  
Dr. BAMU University,  
R/o: Jaysingpura, Aurangabad,  
Tal & Dist. Aurangabad.

.. APPLICANTS.

**V E R S U S**

1. The State of Maharashtra  
Through Tribal Development Department,  
Through its Secretary,  
Mantralaya, Mumbai.
2. The Maharashtra Public Service  
Commission,  
Through its Secretary,  
5<sup>th</sup> and 8<sup>th</sup> Floor, Kuprege  
Telephone Nigam Building,  
Maharsi Karve Marg, Kuprege,  
Mumbai 400 021.

.. RESPONDENTS

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**APPEARANCE** : Dr. R.J. Godbole, learned Advocate  
for the applicant.

: Smt. Sanjivani Deshmukh-Ghate –  
learned Presenting Officer for the  
respondents.

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**CORAM** : **JUSTICE M.T. JOSHI, VICE CHAIRMAN**  
**AND**  
: **SHRI ATUL RAJ CHADHA, MEMBER (A)**

**DATE** : **9<sup>TH</sup> JULY, 2018.**

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**ORAL ORDER**

1. Heard Dr. R.J. Godbole, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate – learned Presenting Officer for the respondents.

2. By the present Original Application the applicant is praying for the following reliefs: -

**“A] By an appropriate order, this Hon’ble Court may be pleased to quash and set aside the impugned letter dated 10.01.2017 issued by the respondent No. 2 by holding that the applicant is eligible for the post of ‘senior research officer’.**

**B] By an appropriate order, this Hon’ble Court may be pleased to hold that the applicant is qualified and eligible to be appointed on the post of Senior Research Officer, Group-A, Tribal Development for the post reserved for visually impaired person considering the qualification of the applicant and his research in Social Science / Social Welfare and Tribal Research.**

3. The respondents vide communication dated 10<sup>th</sup> January, 2017, Exhibit ‘A’, page-24, held the present applicant ineligible for the post as according to them the applicant did not have qualification and experience. The details of the

required experience are given at Exhibit 'E', page-38 i.e. the advertisement. Vide clause 4.4, the experience was prescribed, "Possess practical experience for a period of not less than three years in any field of tribal, social welfare or tribal research."

4. Exhibit 'F' page-41 is experience certificate dated 31.01.2012 issued by the Principal, Shri Asaramji Bhandwaladar Arts, Commerce and Science College, Deogaon (R), Tq. Kannad, District Aurangabad. It would show that the applicant worked as Project Fellow under the Project entitled "Rural Credit Market and Farmers Indebtedness in Marathwada Region of Maharashtra State". The said project was sanctioned by the University Grants Commission in the subject of Economics, under the Principal investigator Dr. Khandare V.B. Associate Professor of Economics of the College.

5. Vide impugned communication, the concerned respondents communicated that the applicant has experience being a Research Assistant in Economics, but he has no experience in tribal, social welfare or tribal research as prescribed in the advertisement in clause No. 4.4 and, therefore, the applicant was not qualified for the post.

6. Learned Advocate for the applicant submits that the issue of 'Rural Credit Market and Farmers Indebtedness in Marathwada Region' in fact falls within the domain of Social

Welfare and, therefore, the decision of the concerned respondents to disqualify the present applicant is wrong.

7. Learned Presenting Officer opposes the submissions of the learned Advocate for the applicant. She submits that the communication on record itself is self-explanatory. Vide the advertisement the practical experience for a period of 3 years in any field of tribal or social welfare is required and so far as research is concerned, it should have been research in tribal subject. In the circumstances, she submits that the applicant does not fit in any of the above prerequisite.

8. Upon hearing both the sides, it appears that the present applicant has worked as Research Officer in Rural Credit Market and Farmers Indebtedness in Marathwada Region and not in tribal subject. Further he has no practical experience as required. In the circumstances, the decision of the concerned respondents cannot be held to be bad in law. Hence, the following order: -

**ORDER**

The present Original Application is hereby dismissed without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

PLACE : AURANGABAD.

DATE : 9<sup>TH</sup> JULY, 2018.

**O.A.NO.230-2017(DB)-HDD-2018-Selection**