

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 526 of 2019 (DB)

- 1) Dr. Tara Gurmukhdas Chawla,
Aged about 36 years,
Occ. Assistant Professor,
R/o 160, near Chawla Clinic,
Ginger Mall, Jaripatka, Nagpur-440 014.

- 2) Dr. Madhavi Babarao Ramteke,
Aged about 33 years,
Occ. Assistant Professor,
R/o Flat No.406, Hitesh Heights,
Om Nagar, Shivgiri Layout,
Nara Koradi Bypass Road,
Nagpur-440026.

- 3) Dr. Archana Dadaji Mandape,
Aged about 40 years,
Occ. Assistant Professor,
R/o Nagnibad, Ward No.1, near
Veterinary Hospital, Opp. Little
Flower Convent (Old), Chandrapur.

- 4) Dr. Poonam Subhaschandra Nandanwar,
Aged about 32 years,
Occ. Assistant Professor,
R/o Sardar Nagar, Tumsar

Applicants.

Versus

- 1) State of Maharashtra,
through its Principal Secretary,
Medical Education and Drugs Department,
G.T. Hospital Complex Building 9th floor, Fort,
Mumbai-400 001.

- 2) Member Secretary,
Selection Board,
G.T. Hospital Complex Building 9th floor, Fort,
Mumbai-400 001.

Respondents.

**S/Shri N.D. Thombre, S.P. Chavhan, Advs. for the applicants.
Shri S.A. Deo, CPO for the respondents.**

**Coram :- Shri Shree Bhagwan,
Vice-Chairman and
Shri Anand Karanjkar, Member (J).**

Date of Reserving for Judgment : 11th September, 2019.

Date of Pronouncement of Judgment : 11th September, 2019.

JUDGMENT

Per : Anand Karanjkar : Member (J).

(Delivered on this 11th day of September,2019)

Heard Shri N.D. Thombre, learned counsel for the applicants and S.A. Deo, Id. CPO for the respondents.

2. The applicants are challenging the action of the respondent no.2 keeping the process of recruitment in abeyance for considerable period and on this ground they claimed that advertisement issued on 17/10/2017 be quashed. The applicants are also seeking direction to the respondents to issue fresh advertisement.

3. The facts in brief are in response to the advertisement dated 17/10/2017 all the applicants submitted their applications and applied for the posts of Assistant Professor in subjects Physiology and Anatomy. It is contention of the applicants that much time was

spent by the respondent no.2 in scrutiny of the applications and thereafter on 29/6/2019 the list was published and the candidates mentioned in the list were requested to produce their documents for scrutiny. As names of the applicants were not in the list, therefore, the applicants have approached to the MAT.

4. It is contention of the applicants that the advertisement was published on 17/10/2017 there was inaction on the part of the respondent no.2 to complete the recruitment process within reasonable period and therefore material prejudice is caused to the applicants and for this reason the advertisement itself is required to be quashed.

5. The respondent nos. 1&2 have filed their reply which is at page no.78. The application is mainly attacked on the ground that though the applicants applied for post of Assistant Professor in Physiology and Anatomy, but the applicants were not possessing the experience as required and consequently there is no substance in the application. The second contention of the respondents is that it was a recruitment drive for filling total 298 posts of Assistant Professor, Associate Professor etc., and therefore large machinery was required and therefore much time consumed. It is further submitted that the second advertisement was published by the respondents on 5/5/2018, but as a matter of fact by issuing the second advertisement

only applications were called to fill the posts which were not mentioned in the first advertisement. It is submitted that as the applicants were not possessing the required eligibility to apply for the post of Assistant Professor, therefore, there is no substance in the O.A. and it is liable to be dismissed.

6. During course of the argument, we have made query as to what was the essential educational qualification and experience for the post of Assistant Professor. There is no dispute between the parties that for the post of Assistant Professor the candidate must be MD/ MS in the concerned subject as per the TEQ regulations and he must have three years experience as Junior **Resident** in recognized Medical College in the concerned subject and one year experience as a Senior Resident in the concerned subject in a recognized Medical College. The learned counsel for the applicants has candidly admitted that none of the applicants was having the experience which was the primary requirement to apply for the post. It is contention of the applicants now the applicants have acquired the experience, therefore, the applicants be considered for the recruitment. We do not see any substance in this submission.

7. As none of the applicants was possessing the experience to apply for the post, as a matter of fact they have no legal right to challenge the advertisement and the action of the respondents not

completing the recruitment process within a reasonable time. We have gone through the return statement of the respondent no.1&2. They have given cogent reasons why it was not possible for them to complete the recruitment process within reasonable time. Once it is accepted that the applicants were not possessing the experience as required in the advertisement on the cut off date, the consequence is that the applicants are not entitled for any relief in this proceeding. Hence, the following order –

ORDER

The O.A. stands dismissed. No order as to costs.

(Anand Karanjkar)
Member(J).

(Shree Bhagwan)
Vice-Chairman.

Dated :- 11/09/2019.

*dnk

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble V.C. and Member (J).

Judgment signed on : 11/09/2019.
and pronounced on

Uploaded on : 16/09/2019.