

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 704 of 2015 (D.B.)**

- 1) Ashok S/o Ganpati Sonkusare,
aged about 43 years, Occ. Telex Operator
in the office of Director, Information & Public
Relations, Nagpur, Amravati Division, Amravati,
R/o Plot no.9, Lav-kush Nagar, Ring Road,
Manewada, Post Ayodhya Nagar, Nagpur-440 024.
- 2) Gajanan S/o Vitthalrao Jadhao,
aged about 40 years, Occ. Accountant in the
office of Deputy Director (Information), Amravati
R/o 74, Deep-Kamal Layout Shahu Nagar
Besa Road, Nagpur-440 034.

Applicants.**Versus**

- 1) The State of Maharashtra,
through its Secretary,
General Administration Department,
Mantralaya, Mumbai-32.
- 2) Director (Administration), Information
and Public Relations, Ground Floor,
Mantralaya, Mumbai-32.
- 3) Shri Jayant Laxminarayan Karpe,
Occ. Sub-Editor / Information Assistant,
C/o District Information Office, Pune.
- 4) Shri Amol Shrikant Mahajan,
Occ. Sub-Editor / Information Assistant,
C/o District Information Office, Jalna.
- 5) Shri Eknath Tukaram Powar,
Occ. Sub-Editor / Information Assistant,
C/o District Information Office, Pandharpur, Dist. Solapur.

Respondents.

**Shri P.V. Thakre, Smt. V.P. Thakre, Advocates for the applicants.
Shri P.N. Warjurkar, learned P.O. for respondent nos.1&2.
None for respondent nos.3 to 5.**

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J) and
Hon'ble Shri Shree Bhagwan, Member(A).**

ORAL ORDER

PER : V.C.(J).

(Passed on this 28th day of August,2018)

Heard Shri P.V. Thakre, learned counsel for the applicants and Shri P.N. Warjurkar, learned P.O. for respondent nos.1&2. None for respondent nos. 3 to 5.

2. The applicants have filed this O.A. for following reliefs:-

“(1) Declare that the result of the Limited Departmental Examination,2015 declared on 06/04/2015 (vide Annexure A-10) showing the applicants as failed; is arbitrary and malafide,

(2) Direct the respondent no.2 to prepare the said result dated 06/04/2015 (vide Annexure A-10) afresh as per the aggregate mark obtained by the candidates.

(3) Quash and set aside the impugned order dated 30/05/2015 issued by the respondent no.2 (vide Annex-A-11) appointing the respondents nos. 3 to 5 on the posts of Sub-Editor/ Information Assistant on the basis of impugned result dated 06/04/2015 being arbitrary and malafide.

(4) Director the respondents to grant appointment to the applicants on the post of Sub-Editor/Information Assistant by granting deemed date as that of respondent nos. 3 to 5.”

3. From the admitted facts on record it seems that the applicant no.1 is Telex Operator, whereas the applicant no.2 is Accountant and they participated in the process of selection to the post of Sub-Editor / Information Assistant. The result was declared on 06/04/2015. The applicant no.1, i.e., Shri Ashok Ganpati Sonkusare got 38 marks in paper-1, 51 marks in paper-2 and total marks 89, whereas the applicant no.2, i.e., Shri Gajanan S/o Vitthalrao Jadhao got 36 marks in paper-1, 55 marks in paper-2 and total marks 91. Both were declared unsuccessful. The said result has been challenged in this O.A.

4. The learned counsel for the applicants submits that the respondents have adopted novel procedure for recruitment and even though the draft rules were under consideration, the same has not been considered and therefore the total procedure followed by the respondents is illegal.

5. In the reply-affidavit the respondents tried to justify the procedure adopted and submitted that since the applicants failed to pass the examination, they are now challenging the procedure. From the admitted facts on record, it is clear that the applicants have participated in the process and they never challenged the procedure till the result was declared. Had it been a fact that the illegal procedure has been undertaken for recruitment, the applicants

should have objected the same at the initial stage. Now merely because the applicants have been declared unsuccessful in the written examination, they are challenging the process. In our opinion the applicants are stopped from challenging procedure since they have participated in the process. We, therefore do not find any merits in the O.A. Hence, the following order :-

ORDER

The O.A. stands dismissed with no order as to costs.

(Shree Bhagwan)
Member(A).

(J.D. Kulkarni)
Vice-Chairman (J).

Dated :- 28/08/2018.

dnk.