

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 229/2020 (D.B.)

- 1) Sandeepa Vishwambhar Zakarde,
Aged 26 years, Occ. Student,
R/o C/o Old Girls Hostel, Behind
Gadge Nagar Police Station,
Amravati, Tq. & Dist. Amravati.

Applicant.

Versus

- 1) Directorate of Vocational Education,
& Training, Office at 3, Mahapalika Marg,
Dhobi Talao, Chhatrapati Shivaji Terminus Area,
Fort, Mumbai, Maharashtra 400001.
- 2) Deputy Director, Vocational Education
& Training Amravati, Morshi Road,
Amravati - 444603.
- 3) Suraj Prakash Sable,
Aged about Adult years,
Occ. Assistant Lecturer, R/o C/o,
Deputy Director, Vocational Education
& Training Amravati, Morshi Road,
Amravati - 444603.
- 4) State of Maharashtra
through its Secretary,
Vocational Education Department,
Mantralaya, Mumbai 32.

Respondents

Shri C.A.Babrekar, Ld. Counsel for the applicant.
Shri M.I.Khan, Ld. P.O. for the respondents.

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

Dated: - 30th November 2022.

JUDGMENT

Per : Member (J).

Judgment is reserved on 22nd November, 2022.

Judgment is pronounced on 30th November, 2022.

Heard Shri C.A.Babrekar, learned counsel for the applicant and
Shri M.I.Khan, learned P.O. for the respondents.

2. By this O.A. the applicant is challenging the selection process which began with the advertisement dated 1.1.2020 (Annexure A-1) in response to which she and some others, including respondent no.3, applied for the post of Assistant Lecturer. To qualify, securing 45% marks was necessary. The applicant was informed that she had secured 88 out of 200 i.e. 44% marks. Answer key (Annexure A-3) was published. By publication dated 17.01.2020 (Annexure A-4) the candidates were informed as follows-

सदर परिक्षेत उत्तीर्ण झालेल्या उमेदवाराची गुणानुक्रमे निवड यादी या कार्यालयाचे संकेतस्थळ amravati.dvet.gov.in यावर अधिसंख्य पदनिर्मातीचा शासन निर्णय निर्गमित झाल्यानंतर प्रसिध्द करण्यात येईल. याची सर्व उमेदवारांनी कृपया नोंद घ्यावी.

The Marklist of 12 candidates (Annexure A-5) was then published. Respondent no.3 was the topper with 110 marks. The applicant was at Sr.No.5 in this list having scored 88 marks which was below the prescribed benchmark of 90. Respondent no.3 was selected for the post of Assistant Lecturer. By making an application under the RTI Act the applicant demanded copy of her answer sheet which she received (Annexure A-7). The applicant found that answers given by her to question nos.39, 40, 59 and 31 in paper no.1 and question nos.24, 4, 5, 8, 12, 13 and 30 in paper no.2 were tampered with by making an overwriting and thereby she had lost an opportunity of securing employment. On the basis of this pleading the applicant has sought following reliefs-

- i) Quash and set aside the selection process conducted by respondent No.2 as per advertisement ;***
- ii) Call for the record and it may be directed to appoint Handwriting expert for verification of***

answer sheet from original record for tampering of answers given by the applicant mentioned in the facts of the application ;

iii) In the alternate to stay the selection of respondent No.3 on the post of Assistant Lecturer ;

3. In their reply at pp.69 to 75 respondents 1 and 2 have maintained that the selection process was fair and transparent and respondent no.3 was rightly selected. This contention is fully supported by Marklist at Annexure R-2-I.

4. By filing reply at pp.56 to 61 respondent no.3 has also stoutly denied all adverse pleadings of the applicant.

5. At Annexure R-2-III respondent nos.1 and 2 have placed on record report of a Committee which was constituted to look into and decide objections of the applicant with regard to alleged tampering of her answer sheet. The Committee consisted of five persons. Their unanimous finding (at page 99) was that no answer given by the applicant was tampered with by making an overwriting. Except bald assertion made by the applicant which is based on a mere suspicion / speculation, there is absolutely nothing to show that the selection

process was not fair and transparent. In the result the O.A. is dismissed with no order as to costs.

(M.A.Lovekar)
Member (J)

(Shree Bhagwan)
Vice Chairman

Dated – 30/11/2022

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman &
Court of Hon'ble Member (J) .
Judgment signed on : 30/11/2022.
and pronounced on
Uploaded on : 30/11/2022.