

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO. 640 OF 2016

DISTRICT :PUNE

Shri Kantikumar Anant Pawar)
Age:36 years, Occ: Service)
Working as Asstt. Professor in)
(Pune Univertisty))
R/o. S-5/20/Siddheshwar)
Nagar Housing Society)
Tingre Nagar, Pune – 411 015.)...**Applicant**

VERSUS

1. The Secretary)
Maharashtra Public Service)
Commission, 8th Floor,)
cooperage Telephone Nigam Bldg.)
Mumbai – 400 021.)

2. The Secretary,)
Department of Tourism and Culture)
Government of Maharashtra)
Mantralaya, Mumbai – 400 032.)...**Respondents**

Shri C.T. Chandratre, the learned Advocate for the Applicants.

Shri A.J. Chougule, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal, Vice-Chairman
Shri R.B. Malik, Member (J)

DATE : 11.01.2017

PER : Shri Rajiv Agarwal, Vice-Chairman

ORDER

1. Heard Shri C.T. Chandratre, learned Advocate for the Applicants and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant challenging the decision of the Respondent No.1 holding him ineligible for post of Director, Archaeology and Museums, Government of Maharashtra by including his name in the list of ineligible candidates published on 23.6.2016 though the Applicant claims that he was fully eligible to be called for interview.

3. Learned Counsel for the Applicant argued that the Respondent No.1 has issued an advertisement on 19.5.2015 to fill up the post of Director, Archaeology and Museums, Government of Maharashtra (Director). As per para 4.4 of the advertisement, a candidate for the post of Director was required to have, inter-alia, the qualification of a Master's Degree of a recognized University in History with a paper or papers in Ancient or Medieval Indian History or Ancient or Medieval Indian Culture or a Diploma in Archaeology awarded by the School of Archaeology of the Archaeological Survey of India and have experience and Training in the field of Archaeology for not less than 5 years. In the short listing criterion, the experience in the field of Archaeology was

increased to 5 years and 7 months after acquiring the requisite education qualification. The Applicant has passed M.A. with Ancient Indian History, Culture and Archaeology in 2005 from Nagpur University. He also passed Diploma in Archaeology from the Institute of Archaeology, of Archaeological Survey of India in 2008. He was appointed as Lecturer in Archaeology in Solapur University and then in Deccan College, Pune (Which is a University) from 2008 onwards. His total experience was for than 7 year, and he had five years experience in excavation, exploration and Training in Archaeology sites. Learned Counsel for the Applicant argued that the Respondent No.1 wrongly rejected the experience certificate of the Applicant.

4. Learned Presenting Officer (P.O.) argued on behalf of the Respondents that the Applicant was required to have experience and training in the field of Archaeology. However he had only teaching experience and the Respondent No.1, therefore found him ineligible for the post.

5. As per the Requirement Rule viz. the Director of Archaeology, Recruitment Rules, 1976, the appointment to the post of Director by nomination requires the following experience as per Rule 3(2) (c):

“ (c) have experience and training in the field of Archaeology for not less than 5 years, -----.”

Proviso to this rule contains preferential qualifications. Plain reading of this rule makes it clear that a candidate is required to have experience and Training of 5 years duration

in the field of Archaeology. Now the moot question is what is meant by 'field'. In our opinion, a teacher (Assistant or Associate Professor) in Archaeology definitely acquires experience in the 'field' of Archaeology. An organization like M.P.S.C. cannot be so naive as not to know that teaching in Archaeology would also require field teaching/ training as teaching in physics requires practical and experimental teaching. What is a Laboratory for Science teaching is exploration or excavation in Archaeology. Prima-facie, an Assistant Professor in Archaeology is fully covered by the requisite experience as per the above mentioned rules. The Applicant was, in fact Director of many excavation works, undertaken by Deccan College, Pune with the approval of Central Government. Even if it is held that the Respondent No.1 was not aware of such experience, the Applicant's experience as Assistant Professor of Archaeology in solapur University and Deccan College made him eligible to be considered for appointment to the post of Director. The decision of the Respondent No.1 to treat the experience of the Applicant in the following words does not appear to be correct.

“ विहित अनुभव नाही (Archaeological) विषयक अनुभव नाही अपात्र, अनुभव teaching चा आहे.”

In the recruitment rules, we could not find any reference that teaching experience will not count as experience in the field of Archaeology. The aforesaid decision of the Respondent No.1 is clearly in violation of Rule 3(2) (c) of the recruitment rules of 1976 and it cannot be sustained.

6. By order dated 1.7.2016, this Tribunal permitted the Applicant to provisionally appear for the interview and directed that details of his performance may be kept in a sealed cover. The sealed cover may now be opened and depending upon the performance of the candidates, the Respondent No.1 may declare the result. This O.A. is allowed accordingly with no order as to costs.

(R.B. MALIK)
MEMBER (J)

(RAJIV AGARWAL)
(VICE-CHAIRMAN)

Date : 11.01.2017

Place : Mumbai

Dictation taken by : SBA

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