

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.154 OF 2021**

DISTRICT : SINDHUDURG

Mr. Shridhar Sunil Samant, )  
Age : 29 years, Adult, )  
Marital Status : unmarried, Occ. Nil )  
Residing at Abhinav Nagar No.1, At Post )  
Kudal, Taluka Kudal, Dist. Sindhudurg )....Applicant

Versus

1. The State of Maharashtra, )  
Through its Principal Secretary, )  
General Administration Department,)  
Madam Kama Road, Mantralaya, )  
Mumbai 400 032 )
2. State of Maharashtra, )  
Through its Principal Secretary, )  
Revenue and Forest Department, )  
Madam Kama Road, )  
Mantralaya, Mumbai 400 032 )
3. The District Collector, )  
Niyojan Bhavan, Collector Office, )  
Thane 400 601 )
4. The Deputy Collector, Niyojan )  
Bhavan, Collector Office, )  
Thane 400 601 )
5. The Director, )  
Sainik Welfare Department, )  
Maharashtra State, 'Raigad' )  
Opposite National War Memorial )  
Solapur Road, Ghorpadi, )  
Pune 411 001 )

6. Zilla Sainik Welfare Office, )  
Fourth floor, Collector Office, )  
Tembhi Naka, Thane 400 601 )..Respondents

Mr. D.B. Kale – Advocate for the Applicant

Ms. S.P. Manchekar – Chief Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula Bhatkar, Chairperson  
Smt. Medha Gadgil, Member (A)  
DATE : 11<sup>th</sup> October, 2022  
PER : Smt. Medha Gadgil, Member (A)

### **J U D G M E N T**

1. Heard Mr. D.B. Kale, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

The brief facts of the case are as follows:

2. In this case the applicant who had applied for the post of Talathi in District Thane challenges the order dated 25.12.2019 rejecting his candidature on the ground that he submitted his Economically Weaker Section (EWS) certificate beyond the cut-off date.

3. The advertisement for the post of Talathi was issued on 28.2.2019. There were two posts available under EWS category. The applicant applied on 23.3.2019 for the said post under EWS category and he secured 154 marks and was qualified for selection on merit. GR dated 12.2.2019 issued by GAD states that 10% of the posts are reserved for EWS category. As per the said GR dated 12.2.2019 the eligibility criteria for EWS category has been stated. The said GR also requires the candidates to submit their EWS eligibility certificate within six months

from the date of GR or from the date of application, whichever is later. Para 2(E)(4) of the said GR dated 12.2.2019 reads as under:

“४) आर्थिकदृष्ट्या दुर्बल घटकासाठीचे पात्रता प्रमाणपत्र या आदेशाच्या दिनांकापासून किंवा अर्ज सादर करण्याच्या दिनांकापासून ६ महिने यापैकी जो नंतरचा असेल त्या दिनांकापर्यंत सादर करणे आवश्यक राहिल. ”

4. The Ld. Advocate for the applicant stated that applicant appeared for the examination and secured 154 marks and percentage of 77 which makes him meritorious candidate in EWS category. He further pointed out that the applicant had applied under EWS category on 23.3.2019 and the period of six months got over on 22.9.2019. Therefore, the cut-off date was 22.9.2019. However, the applicant secured the certificate only on 9.10.2019, which was only 16 days after the cut-off date as stipulated in the said GR. Ld. Advocate further submits that there was clarification letter/order dated 14.9.2020 issued by the GAD that time for submission of EWS certificate was extended up to March, 2020 and hence the rejection of his candidature was inconsistent with the said clarification. Ld. Advocate pointed out that the certificate was genuine and therefore he should be considered. He further pointed out that another candidate in the said category, who was no.2 and had much lower marks than the applicant, was appointed to the post of Talathi.

5. Ld. CPO opposed the OA stating that the applicant was not eligible to be appointed to the post of Talathi as he submitted his EWS certificate 16 days after the cut-off date. Ld. CPO submitted that the respondents have rightly rejected his candidature in accordance with the provisions of GR dated 12.2.2019 wherein he was required to submit his EWS certificate within six months from the date of GR or six months from the date of application, whichever is later.

6. In this case it is evident that the applicant is meritorious having secured 154 marks which was highest in the EWS category. However, he obtained the EWS certificate late after the cut-off date. In view of the fact that the applicant was meritorious, we enquired from the Ld. CPO whether there was any post vacant from the said selection process. We are informed that there was one post vacant in Ex-serviceman category. However, the GAD clarified that the Zilla Sainik Welfare Office, Thane did not give NOC to de-reserve the post, which is required for de-reservation. While we are in agreement that the applicant is meritorious and has been denied appointment only because he submitted his EWS certificate beyond the cut-off date, we are unable to grant relief in this matter as there is no post available in the EWS category. Though the Government had issued clarification letter/order dated 14.9.2020 wherein the candidates were allowed to submit their EWS certificate till March, 2020, however, the said selection process was already over in the month of January, 2020.

7. In view of the above facts and circumstances of the case, there is no other go but to dismiss the above OA.

8. Original Application is dismissed. No order as to costs.

Sd/-

**(Medha Gadgil)**  
**Member (A)**  
**11.10.2022**

Sd/-

**(Mridula Bhatkar, J.)**  
**Chairperson**  
**11.10.2022**

Dictation taken by: S.G. Jawalkar.