

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.104/2014**

**DISTRICT: NANDED**

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Shri Shyam Hanmantrao Waghmare  
Age : 42, Occ : Labour,  
R/o: Near 33 KV MSEB Zone,  
Hamalpura, Nanded,  
District Nanded.

..APPLICANT

V/s.

- 1] The State of Maharashtra.
- 2] The Director of Health,  
Health Service, Mumbai.  
Maharashtra State, Mumbai.
- 3] The Joint Director,  
Health Service (Hivtap,  
Hattirogand Jal-janyarog),  
Vishrantwadi, Pune.

...RESPONDENTS

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APPEARANCE: Shri S.P.Dhoble learned Advocate  
holding for Shri A.V.Patil-Indrale learned  
Advocate for the applicant.

Smt. Priya Bharaswadkar learned  
Presenting Officer for the respondents.

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CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman (A)  
A N D  
Hon'ble Shri B. P. Patil, Member (J)

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DATE : 01-08-2017  
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**ORAL ORDER****[PER: VICE CHAIRMAN (A)]**

The applicant had applied for the post of Laboratory Technician pursuant to the advertisement issued by the respondents on 07-08-2013. The applicant was eligible to apply from the Scheduled Caste (SC) category. He has also worked for the National Malaria Programme for 319 days. So he was eligible to be considered from 30% reservation quota for selection to the post of Laboratory Technician from that category.

2. Learned Advocate Shri S.P.Dhoble stated that the applicant was called for written examination on 07-10-2013. He has secured total 88 marks out of 200. He was eligible to be considered for appointment as a candidate belonging to Scheduled Caste as well as a person who has worked for more than 180 days in the National Malaria Programme, for whom 30% posts were reserved. However, respondents did not select him, and therefore, the applicant has filed this O.A.

3. Learned P.O. stated that the post in question is a Group "C" post and selection is governed by G.R. dated 27-06-2008. Paragraph 5 of the aforesaid G.R. provides

that when the selection is through a written test, a candidate has to secure a minimum of 45% marks before he could be allowed to participate in further test, if any. If the selection is solely based on the written examination, the person is required to obtain a minimum of 45% marks, otherwise he would not be considered for appointment to any Group "C" post.

4. Plain reading of paragraph 5 of the aforesaid G.R. dated 27-06-2008 makes it clear that for appointment to Group "C" post by nomination, a candidate has to secure a minimum of 45% marks in the written test. Admittedly, in the present case, the applicant has secured only 44% marks in the written test. Therefore, he was held ineligible for appointment to the post of Laboratory Technician, which is a Group "C" post.

5. We do not find it a fit case requiring interference of this Tribunal. O.A. is therefore dismissed with no order as to costs.

**(B. P. Patil)**  
**Member (J)**

**(Rajiv Agarwal)**  
**Vice-Chairman (A)**

**PLACE : AURANGABAD**

**DATE : 01-08-2017**

YUK oa 104.14 selection ra bpp