

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO.243/2012**

**DISTRICT-AURANGABAD**

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1) Ratnadip s/o Purushottam Deshpande,  
Age : 25 years, Occ : Unemployed,  
R/o. Plot No.2, Radha Mohan Colony,  
Khokadpur, Aurangabad.

2) Raghunandan s/o Sarangdhar Naibal,  
Age : 25 years, Occ : Unemployed,  
R/o. Jai Bhavani Nagar,  
Tirupati Colony, Aurangabad.

3) Yogesh s/o Nagesh Vedpathak,  
Age : 25 years, Occ : Unemployed,  
R/o. At Post Nilanga, Tq. Nilanga,  
District Latur.

4) Sachin s/o Dagduba Mule,  
Age : 25 years, Occ : Unemployed,  
R/o. Wangi, Tq. Manwat,  
District Parbhani.

...APPLICANTS

**V E R S U S**

1) The State of Maharashtra,  
Through its Secretary,  
Irrigation Department  
(Now as Water Resources Department),  
Maharashtra State,  
Mantralaya, Mumbai-32.

2) The Superintending Engineer,  
Irrigation Department  
(Now as Water Resources Department),  
Aurangabad Circle, Aurangabad.

3) The Superintending Engineer,  
Irrigation Department  
(Now as Water Resources Department),  
Pune Circle, Pune.

- 4) The Superintending Engineer,  
Irrigation Department  
(Now as Water Resources Department),  
Kolhapur Circle, Kolhapur.
- 5) The Superintending Engineer,  
Irrigation Department  
(Now as Water Resources Department),  
Amravati Circle, Amravati.
- 6) The Superintending Engineer,  
Irrigation Department  
(Now as Water Resources Department),  
Nagpur Circle, Nagpur.

...RESPONDENTS

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APPEARANCE : Shri M.C.Ghode learned Advocate for the  
Applicant.

Shri S.K.Shirse, learned Presenting Officer for  
respondents.

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CORAM: Hon'ble Shri Rajiv Agarwal, Vice-Chairman and  
Hon'ble Shri J.D.Kulkarni, Member (J)

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**DATE: 15<sup>th</sup> December, 2016.**  
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**ORDER**

**[PER: VICE-CHAIRMAN]**

Heard Shri M.C.Ghode learned Advocate for the Applicant  
and Shri S.K.Shirse, learned Presenting Officer for respondents.

2. This O.A. is filed by the Applicants who had applied for the  
post of Civil Engineering Assistant (C.E.A.) pursuant to  
advertisement dated 03-01-2012. They hold two years Civil  
Draftsman Course from Industrial Training Institute (I.T.I.), which  
is equivalent to one year course of Civil Engineering Assistant.  
However, the Water Resources Department (Irrigation

Department) of Government of Maharashtra had issued G.R. dated 15-12-2011 deleting inter-alia two years course of Civil Draftsman, conducted by I.T.Is. as qualification for the post of C.E.A. The Applicants were accordingly held ineligible for selection to the post of C.E.A.

3. Learned Counsel for the Applicants argued that the Recruitment Rules for the post of CEA notified on 26-05-2010, recognized five courses for being eligible for appointment to the post of CEA. However, by G.R. dated 15-12-2011, the Respondent no.1 deleted two courses including two years course of Civil Draftsman conducted by I.T.Is. This had made the Applicants ineligible to be appointed to the post of CEA in Water Resources Department. However, in the Public Works Department (P.W.D.) and in various Zilla Parishads, the aforementioned course is recognized. This has resulted in a situation where a person is eligible to be appointed as CEA on the basis of two years course of Civil Draftsman in P.W.D. but ineligible for similar appointment in Water Resources Department. This is discriminatory and violates Article 14 and 16 of the Constitution of India.

4. Learned Presenting Officer (P.O.) argued on behalf of the respondents that Water Resources Department has framed

recruitment rules for the post of CEA as per its own requirement, which may not be identical with the requirement of PWD. The jobs executed by CEA in WRD & PWD are quite different. Government has taken a policy decision not to recognize two years course of Civil Draftsman for eligibility for appointment as CEA. The Applicants have no locus standi to challenge the aforesaid decision.

5. We find that the Applicants have challenged the G.R. dated 15-12-2011 as discriminatory and also challenged selection process for the post of CEA pursuant to advertisement dated 03-01-2012, issued by the Respondents. The Applicants had not claimed that they had applied for the post of CEA pursuant to the aforesaid advertisement dated 03-01-2012. It is not the case that the Applicants had applied for the post and their applications were rejected. In fact, the Applicants have no cause of action and the present O.A. is in the nature of Public Interest Litigation. This Tribunal cannot entertain such petitions from the persons who are not aggrieved by any order of the public authorities. This O.A. is not maintainable and is dismissed with no order as to costs.

**(J. D. Kulkarni)**  
**MEMBER (J)**

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