

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.619/2012

DISTRICT-NANDURBAR

Suresh s/o Narayan Gavit,
Age : 26 years, Occ : Nil,
R/o. Pimpri, Post : Pati-Bedkhi,
Tq. Navapur, Dist. Nandurbar.

...APPLICANT

V E R S U S

- 1) The State of Maharashtra,
Through its Principal Secretary,
Water Resources Department,
Maharashtra State,
Mantralaya, Mumbai-32.
- 2) The Regional Selection Committee,
Pune, (Water Resources Department),
Pune.
- 3) Sarika Dhengale
Age : Major, Occ : Nil,
(to be served through
The respondent no.2.)

...RESPONDENTS

APPEARANCE : Shri H.P.Jadhav learned Advocate holding for
Shri A.K.Tiwari learned Advocate for the
Applicant.

Smt. Resha Deshmukh, learned Presenting
Officer for respondent nos.1 & 2.

None for respondent no.3.

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

DATE: 15th December, 2016.

ORDER

[PER: VICE-CHAIRMAN]

Heard Shri H.P.Jadhav learned Advocate holding for Shri A.K.Tiwari learned Advocate for the Applicant and Smt. Resha Deshmukh, learned Presenting Officer for respondent nos.1 & 2. None for respondent no.3.

2. This O.A. has been filed by the Applicant, who is seeking appointment to the post of Research Assistant from Scheduled Tribe Category in the Water Resources Department and challenges selection of the Respondent no.3 for the said post.

3. Learned Advocate for the Applicant argued that the Respondent no.2 had issued advertisement no.2/2011 on 03-01-2012 to inter alia fill up 4 posts of Research Assistants. One post of Research Assistant was reserved for Scheduled Tribe (S.T.) category. The Applicant had applied for the post. However, the Respondent no.2 by letter dated 13-09-2012 informed the Applicant that he was not qualified for the post as his degree of Bachelor of Science (Horticulture) was not recognized. The Applicant had filed his application online and was allowed to appear in the written examination. The Applicant was called for document verification on 04-06-2012 and was issued interview letter dated 04-06-2012. He was interviewed on 08-06-2012. The

result was declared on 21-07-2012 and the Applicant's candidature was rejected on the ground that he did not submit MS-CIT certificate. In fact, the Applicant had submitted MS-CIT certificate for verification on 04-06-2012 and thereafter he was issued interview letter. The Applicant secured 113 marks but the Respondents selected the Respondent no.3, who had obtained less marks i.e. 95. Learned Advocate for the Applicant argued that the decision of the Respondents is arbitrary and is liable to be struck down. The Applicant is eligible to be appointed to the post of Research Assistant. The degree of B.SC. (Horticulture) is recognized as equivalent to B.Sc. (Agriculture) and that ground is also not available to the Respondents to reject his candidature.

4. Learned Presenting Officer (P.O) argued that the Applicant was not selected for the post of Research Assistant, as he did not have requisite qualification of degree in Physics, Chemistry, Geology or Agriculture. Degree in Horticulture is not a qualification as per Recruitment Rules for the post of Research Assistant. The Applicant was informed accordingly by the Respondent no.2 by letter dated 13-09-2012.

5. We find that the Recruitment Rules for the post of Research Assistant have been promulgated by G.R. dated 17-12-2011. The

relevant extract regarding educational qualification is reproduced below:

“(दोन) ज्यांनी भौतिक शास्त्र / रसायन शास्त्र / भूगर्भ शास्त्र या मधील किमान द्वितीय श्रेणीतील पदवी किंवा कृषी शाखेतील किमान द्वितीय श्रेणीतील पदवी धारण केली आहे. पदव्युत्तर पदवीधारकांना प्राधान्य देण्यात येईल.”

6. The Applicant admittedly hold degree of Bachelor of Science (Horticulture) in second division issued on 05-02-2011 by Dr. Punjabrao Deshmukh Krishi Vidyapeeth, Akola. The Applicant is relying on Government Order dated 07-09-2011 issued by Agriculture, Animal Husbandry, Dairy & Fisheries Department of Government of Maharashtra holding that degree of B.Sc. (Horticulture) is equivalent to B.Sc. (Agriculture). The claim of the Respondents is that there is no provision in the Recruitment Rules framed by Water Resources Department for any equivalence of degrees. B.Sc. (Agriculture) degree is required for the post of Research Assistant and no degree equivalent to that degree is recognized. By judgment dated 02-03-2016, Aurangabad Bench of Hon'ble Bombay High Court in Writ Petition No.8030 of 2015 has held that:

“38. In the light of foregoing paragraphs and the ratio laid down by the Hon'ble Supreme Court in the case of State of Rajasthan & Others V/s. Lata Arun (cited

supra), and other judgments referred to hereinabove, it is not for the Courts to decide whether a particular educational qualification should or should not be accepted as equivalent to the qualification prescribed by the authority.”

7. In the present case, recruitment rules prescribes qualification of B.Sc. (Agriculture). There is no mention that a qualification equivalent to B.Sc. (Agriculture) can be accepted. As such, we are unable to accept the contention of the Applicant that he was eligible for appointment to the post of Research Assistant as B.Sc. (Horticulture) is equivalent to B.Sc. (Agriculture). On plain reading of Recruitment Rules, he did not hold requisite qualification for the post.

8. Having regard to the aforesaid facts and circumstances of the case, this O.A. is dismissed with no order as to costs.

(J. D. Kulkarni)
MEMBER (J)

(Rajiv Agarwal)
Vice-Chairman