

**BEFORE THE MAHARASHTRA ADMINISTRATIVE  
TRIBUNAL MUMBAI AT MUMBAI**

**ORIGINAL APPLICATION NO.**

**/2024**

**DIST. NASHIK**

Sujal Arun Bharmal

..... Applicant

V/S.

1. State of Maharashtra

Through Secretary, Public Health  
Department Maharashtra Mumbai,  
Mantralaya, Mumbai-32 & ors.3

.... Respondents



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11	Exh-I	The online Complaint through the Email dt. 28/04/2024.	

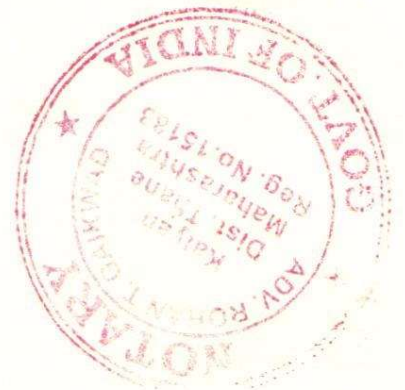


Filed in Court

Date :

*Prateek*

Advocate for Applicant



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.... Respondents



**SYNOPSIS**

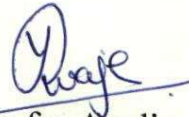
DATE	EVENTS
15/03/2023	Advertisement for the post of Multipurpose Health Worker (Male) for ST Category was published on Government Website.
	Online form submitted by the Applicant.
04/12/2023	The Applicant appeared the Exam held by Respondent.
	Provisional selection List Published by Respondent No.4
24/02/2024	Letter of Appointment issued by Respondent No. 4.



27/02/2024	Respondent No. 4 orally informed Applicant that he is disqualified on the basis of Non Resident of Nashik District.
28/03/2024	The Applicant's father send complaint through Email .
10/04/2024	Respondent No.4 issued letter of disqualified on the basis of Non Resident of Nashik District.

Filed in Court

Date :



Advocate for Applicant




**POINT TO BE URGED**

1. The applicant is the resident of Ahamadnagar District, Nashik Division. The Applicant had been disqualified on the basis of Non resident of Nashik District.
2. The Applicant had applied for the said post in ST Male (General) Caste Category but his post had been shown in ST (Sport person) Category in provisional Selection list for the said post on Sr. No.1.
3. The Applicant had been called for counseling and Appointment through the letter dt. 24/02/2024 जावक क्र. जिहीकाना / आस्था.१ / पदभरती परिक्षा / कागदपत्र पडताळणी / १०६९-७४ / २०२४, selected Category ST against Sport person. The applicant had been rejected on the basis that he is Non resident of Nashik District.
4. Instead of rejecting on the basis of Non resident of Nashik District, the Respondent No. 3 has a authority to appoint the Applicant in Ahamadnagar District. Which is the resident District of the applicant.

Filed in Court

Date :

  
Advocate for Applicant



**BEFORE THE MAHARASHTRA ADMINISTRATIVE  
TRIBUNAL MUMBAI AT MUMBAI**

**ORIGINAL APPLICATION NO.**

**/2024**

**DIST. NASHIK**

Sujal Arun Bharmal  
Aged 20 years. Occ.: Nil.  
R/o. Saint Vamanbhaunagar,  
Tapoven Road, Savedi,  
Ahmednagar  
Mob.No.9307479121

..... Applicant

V/S.

1. State of Maharashtra  
Through Secretary, Public Health  
Department Maharashtra Mumbai,  
Mantralaya, Mumbai-32.
2. The Director,  
Health Services, Arogya Seva Aayukataly,  
Madhyavarthi Imarta, 1<sup>st</sup> floor, Pune,  
Govt. of Maharashtra,
3. The Deputy Director,  
Health Services, Nashik Division,  
Tal. & Dist. Nashik,  
Govt. of Maharashtra
4. District Malaria officers  
Zillha Seva Rugnalay Aawar,  
Varga -4 Building, Shalimar Nashik  
Tal. & Dist. Nashik,

.... Respondents





**APPLICATION UNDER SECTION 19 OF  
MAHARASHTRA TRIBUNAL ACT 1985.**

**DETAILS OF THE APPLICATION**

**1. PARTICULARS OF THE APPLICANT :**

As above

**2. PARTICULARS OF THE RESPONDENTS :**

As above

**3. PARTICULARS OF THE ORDER AGAINST  
WHICH THE PRESENT APPLICATION IS MADE:**

- i) Order No. जा.क्रजिहिकाना / आस्था-२ / सरळसेवाभरती /  
अपात्र / १- / २०२४
- ii) Date of order: 10 April 2024
- iii) Issued by : District Malaria Officer, Nashik.
- iv) Subject in brief :

The Applicant states that, the Applicant is challenging the disqualification for the post of the Multipurpose Health Worker (Male) annexed at  
**Exh. "A"**

**4. LIMITATION :**

The present application is well within limitation as per the provision Under Section 21 of Maharashtra Administrative Tribunal Act 1985.

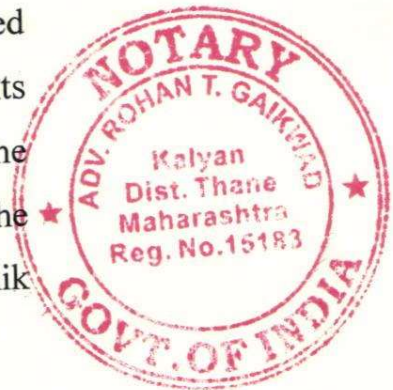


of which is annexed at **Exh. "D"**. Thereafter he received the admit card for examination to be held on 04 /12/2023, the copy of which is annexed at **Exh. "E"** and accordingly he appeared for said exams on 04/12/2023.

**6-5]** The Applicant states that, Respondent No.4 has declared result of exam and the Applicant was successfully qualified in said exam for the said post. He was at Serial No. 1 as per Merit List, which is annexed at **Exh. "F"**. That the Applicant was shown selected in the provisional selection list in **ST** (Sportsperson) category. However the Applicant made application in **ST** (General) category.

**6-6]** The Applicant states that thereafter Respondent No. 3 issued selection letter dt. 24/02/2024 and The Applicant was called for documents verification on 27/02/2024. The copy of letter is annexed at **Exh. "G"**. That accordingly he reached at District Hospital, Nashik Aawar, Trambak Road, Nashik on 27/02/2024 at 08.30 a.m. for documents verification. His documents were verified and scrutinized by the officers who were present there. The documents were found to be genuine and correct. However the Respondent No.4 on the 3<sup>rd</sup> table orally informed the Applicant that the Applicant is not resident of Nashik District and therefore he is not eligible for the said post.

**6-7]** The Applicant states that on 28/03/2024 father of Applicant Shri. Arun Bharmal had communicated with







5. **JURISDICTION:**

The Respondent No. 1 is situated in District Mumbai and Respondent No. 2 is situated in District Pune and Respondent No. 3 & 4 is situated in District Nashik .

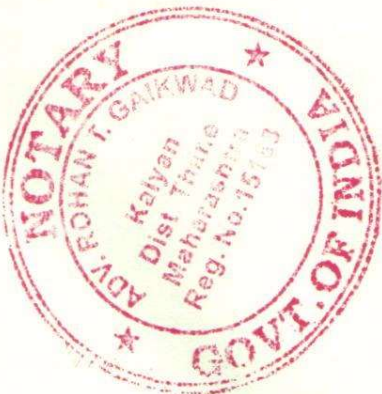
6. **FACTS OF THE CASE:**

**6-1]** The Applicant is Indian Citizen and Domicile of Maharashtra. The Applicant belongs to Scheduled Tribe Koli - Mahadev which listed Sr. No. 13 in the Gazette of Government of India in the year 1950 and Modified Gazette on 1975. The Applicant's native place situated in District Ahamdanagar, Tal. Akole, M-Pachnai, Post-Lavhali which is under PESA Act 1996.

**6-2]** The Applicant states that advertisement for the post of Multipurpose Health Worker (Male) for ST Category was published on Government Website dt.15/03/2023 by Respondent No.1, which is annexed at **Exh. "B"**.

**6-3]** The Applicant states that in pursuance of this advertisement the Applicant submitted online application Under Caste Category of ST (General) along with all necessary Certificates required for the aforesaid post, which are annexed at **Exh. "C" (Collectively)**.

**6-4]** The Applicant states that he has paid online Rs. 900/- as the fees for examination for said post, the receipt



Deputy Director Health Services Nashik Division Nashik Shri. Prashant D. Patil on his Mobile No. 8275665916 about oral declaration of disqualification by Respondent No. 4. He advised the Applicant to file online complaint as per G.R. जाक्र.ससंआसे/पदभरती/तक्रार निवारण समिती/ १२००१-९६/कक्ष-५२अ/न.क्र./२४,dt.27/03/2023. The Applicant's father Shri. Arun Bharmal filed online complaint through his mail Id arunbharmal2015@gmail.com on recruitmentprocess2023@gmail.com to Respondent No. 2 as per G.R. on 28/03/2023. The online Complaint is annexed at Exh. "H" and G.R. is annexed at **Exh. "I"**. However there was no response/ reply to this complaint.

**6-8]** The Applicant states that thereafter the Applicant received letter of disqualification on 10/04/2024 issued by Respondent No. 4. (The copy of letter is at **Exh. "A"**) in the letter it is mentioned that the Applicant was selected for the post of Multipurpose Health Worker as per his Educational Qualification and result declared by Respondent No. 4 for the examination of the said post. However it is further mentioned that this Applicant is originally of Ahmadnagar District and hence he is not qualified for the said post. Being aggrieved by this order dt. 10/04/2024, the Applicant is preferring this application on the following amongst other Grounds:-





## 7. GROUND:

- i) That the impugned order dt. 10/04/2024 vide Exh. "A" is arbitrary, unjust, unreasonable and violation of article 14 and 16 of the constitution.
- ii) That the only ground to disqualify the Applicant is that he is resident of Ahmadnagar District Maharashtra and post is for local area residents of Nashik- Maharashtra. In this respect it is submitted that, as per advertisement there are 8 vacancies for Ahmadnagar District for Scheduled Tribe caste category and as the Applicant was selected accordingly and he ought to have been given posting at Ahamadnagar District. It is submitted that, in the online form, there is an option for selection of Nashik Division and not option for selection of District only. However, there are 8 posts vacant of the said post in the District Ahamadnagar and the district Ahamadnagar is under Respondent No. 3 and 4.
- iii) That the applicant has applied for Nashik Division online form in which he has mention post then he is allowed to appear for exam. Thereafter disqualifying on the ground that he doesn't belong to Nashik District and he is resident of Ahamadnagar District is arbitrary and unjust and also contrary to Respondents' own issued advisement शासन निर्णय





क्र.पदभ-२०२२/प्र.क्र.१०३६/सेवा-५, दि.१५ मार्च  
२०२३.

- iv) That the posts were created specially under Panchayat Extension to Schedule Area for the benefit of Schedule Tribe peoples, who are residing in remote area. The Applicant is also residing in remote area at: District Ahamdanagar, Tal. Akole, M-Pachnai, Post-Lavhali and he belong to Schedule Tribe community Koli-Mahadev. As per Provisional Selection List the Applicant has been shown at Serial No.1 under the sports person category in place of ST (General) Male. He is well qualified for the said post. It is further submitted that 5 Districts i.e. Nashik, Ahmadnagar, Jalagaon, Dhule & Nanadurbar comes under Respondent No. 3 Deputy Director of Nashik Division. The Applicant is resident of Ahmadnagar District therefore Respondent No. 3 ought to have given posting in Ahmadnagar District. As per Advertisement published by Respondent No.1, 8 Vacancies of the said post are available in Ahmadnagar District.
- v) The order dt. 10/04/2024 disqualifying just on the ground that the Applicant is resident of Ahmadnagar is unjust, arbitrary and against provision of natural justice and equity and also contrary to Respondents' own issued advisement शासन निर्णय क्र.पदभ



—२०२२/प्र.क्र.१०३६/सेवा-५, दि.१५ मार्च २०२३

hence this impugned order deserves to be set aside and Applicant deserves to be given posting at Ahmadnagar District, Nashik Division.

- vi) That balance of convenience is heavily loaded in favour of the Applicant. If relief prayed by the Applicant is granted no harm or loss will be caused to the Respondents on the contrary if the relief prayed by the Applicant is not granted then irreparable loss will be caused to the Applicant.
- vii) The Applicant craves leave to add, amend, alter delete or convert any averment if necessary.

#### 8. MATTERS PREVIOUSLY FILED:

The Applicant has not filed any other Appeal, Application in any other Civil Courts except this Hon'ble Maharashtra Administrative Tribunal Mumbai.

#### 9. RELIEFS WITH PRAYS:

- a) That this Hon'ble Tribunal be pleased to quash and set aside the impugned order dt. 10/04/2024 vide Exh. "A" and Respondents may kindly be directed to give posting to the Applicant at Ahmadnagar District as a Multipurpose Health Worker.
- b) Any other and further order as this Hon'ble Tribunal may deem fit, proper and necessary in the circumstance





Interest of Justice in the favour of the Applicant may pleased passed.

10. **LIST OF DOCUMENT:**

As per Index.

11. **PARTICULARS OF POSTAL ORDERS:**

Filed in court on

Advocate for Applicant

Applicant

**VERIFICATION**

I, Sujal Arun Bharmal, Aged 20 years. Occ.: Nil, R/o.Saint Vamanbhaunagar, Tapoven Road, Savedi, Ahmednagar of Maharashtra do hereby state on solemn affirmation that the above contents of the Application are true and correct to the best of my knowledge and belief.

Filed in Court

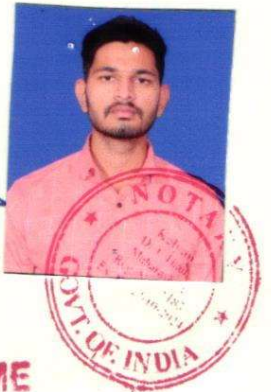
Date :

Advocate for Applicant

Applicant



26 JUL 2024  
SIGNED BEFORE ME  
ROHAN T. GAIKWAD  
B.L.S., LL.B.  
ADVOCATE & NOTARY  
Government of India  
Kalyan, Dist. Thane.  
Reg. No. 15183  
Noted & Regd. at Sr.No. 7810 of 2024







भारत सरकार



आधार

भारत सरकार  
Government of India

भारतीय विशिष्ट ओळख प्राधिकरण  
Unique Identification Authority of India

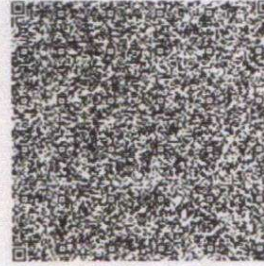
नॉदणी क्रमांक:/ Enrolment No.: 2821/10029/07436

Download Date: 19/06/2021  
To  
सुजल अरुण भारमल  
Sujal Arun Bharmal  
House No 09  
Sai Deep Park Sant Vamanbhau Nagar  
Tapovan Road  
Near Swami Samrath Mandir  
Sawedi  
Sawedi Road  
Ahmadnagar Maharashtra - 414003  
9307479121

Issue Date: 16/06/2021

Signature valid

Digitally signed by  
UNIQUE IDENTIFICATION  
AUTHORITY OF INDIA GS  
Date: 2021.06.16 16:11:50  
IST



आपला आधार क्रमांक / Your Aadhaar No. :

4799 6182 1855

VID : 9143 3328 6723 4245

माझे आधार, माझी ओळख



Download Date: 19/06/2021



सुजल अरुण भारमल  
Sujal Arun Bharmal  
जन्म तारीख/DOB: 09/12/2003  
पुरुष/ MALE



Issue Date: 16/06/2021

4799 6182 1855

VID : 9143 3328 6723 4245

माझे आधार, माझी ओळख



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*S. Bharmal*