

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 213/2015**

Shri Amit Rupchand Sakhare,  
Aged about 36 years,  
R/o 187, Dr. Ambedkar Colony,  
Bouddha Chowk, Lashkaribag,  
Nagpur.

-----**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through the Secretary  
Deptt. Of Higher and Technical Education,  
Mantralaya, Mumbai.
2. The Director of Vocational Education and Training,  
3, Mahapalika Marg, Post Box No.10036,  
Mumbai.
3. The Maharashtra Public Service Commission,  
through its Chairman, 5 ½ , 7, 8<sup>th</sup> Floor,  
Cooperage Telephone Corporation  
Building, Maharshi Karve Road,  
Cooperage, Mumbai.

----- **Respondents.**

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1. Smt. S.D. Anjankar, Advocate for the  
applicant.
  2. Shri A.M. Ghogare, Presenting Officer for the  
Respondents.
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**CORAM :** B. Majumdar : Vice Chairman  
and

Justice M.N. Gilani : Member ( J )

**DATE :** 11<sup>th</sup> January, 2016

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**ORDER****PER VICE-CHAIRMAN**

The applicant has filed this O.A. as he is aggrieved that he has not been appointed as a Principal/Vice-Principal, ITI or equivalent post.

2. The applicant obtained his degree in B.E. ( Power Electronics ) on 11/10/2003 and M. Tech in Electrical Engineering on 13/11/2010. He had applied in response to two advertisements issued on 1/11/2013, namely, Advertisement No. 89/2013, for the post of Principal, ITI/District Vocational Education and Training Officer/Asstt. Director of Vocational Education and Training, Group-A ( Technical ) in the pay scale of Rs.15,600-39,100 + Grade Pay of Rs.6600/- and Advertisement No. 90/2013 for the post of Principal/Vice-Principal, ITI/Head Master, Govt. Technical Secondary School/Inspector, Vocational Education and Training Officer/Asstt. Training Advisor in Group-A ( C ) in the pay scale of Rs. 15600-39,100 + Grade pay of Rs.5400/-. A joint screening test in respect of the above two

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advertisements was held on 9/3/2014 in which the applicant appeared. However, as he was not interviewed he filed the present O.A. The applicant thereafter on the basis of the interim order of this Tribunal dtd. 15/5/2015 appeared in the interview. On 2/9/2015 the Respondent no. 3 ( MPSC ) issued the select list in respect of the Advertisement No. 90/2013 . As per this list, the applicant is at Sr. No. 51 and he is shown as selected against SC ( General ). The select list by way of a footnote states as follows :-

“ २. विहित शैक्षणिक अर्हता धारण करीत नाही या कारणास्तव श्री. अमित रूपचंद साखरे (मु.क्र. २३०) या उमेदवाराचा निकाल त्यांनी दाखल केलेल्या मूळ अर्ज क्रमांक २१३/२०१५ वरील अंतिम आदेशाच्या अधिन राहून घोषित करण्यात येत आहे.”

3. The applicant does not dispute that on the last date of receiving applications he had less than 3 years' experience after acquiring his post graduation degree in Electrical Engineering. Thus, he had less than 3 years' experience as prescribed in the Advertisement no. 90/2013.

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He however, relies on the proviso no. ( a ) to the Condition No. 4 ( Prescribed qualifications and experience ) which states that 2 years spent in acquiring the Master's Degree will count towards the prescribed experience of 3 years.

4. According to Respondent no. 3 ( MPSC ), the applicant qualified after he had obtained his ME in Electrical Engineering on 26/7/2010. However, his experience after acquiring this qualification is of less than 3 years and hence he was found ineligible for the post. With regard to the proviso ( a ) to Condition No. 4 of the Advertisement, the respondent states as follows :-

***" Relaxation for the experience as per the provision 4.3 ( a ) of the advertisement is given only to those candidates who possess a Bachelor's Degree either in Electrical or Mechanical Engineering. Period of 2 years of doing Master's degree in Electrical or Mechanical Engineering can be counted as experience only when candidate has the bachelor's degree in Electrical or Mechanical. In this case he applicant doesn't have basic***

***qualification i.e. BE either in Electrical or Mechanical Engineering. The period of 2 years spent on acquiring ME is considered as learning period of acquiring basic qualification of Electrical or mechanical field. He should have acquired the requisite experience thereafter."***

5. Smt. S.D. Anjankar, Id. Counsel for the applicant submitted that the applicant is entitled to count 2 years he has spent in obtaining his ME degree for qualifying <sup>for</sup> the requirement of 3 years' experience as per the prescribed condition. The fact that his name is in the select list shows that the Respondent no. 3 has found him fit for the post on merit.

6. Shri A.M. Ghogare, Id. P.O. reiterated the submissions made by Respondent no. 3.

7. We find from the Advertisement no. 90/2013 that the para 4.3 prescribes the conditions of educational

qualifications and experience. The same for the sake of clarity is reproduced below :-

**४.३ शैक्षणिक अर्हता व अनुभव :-**

- ( i ) Possess a Bachelor's degree in Mechanical or Electrical Engineer or in both at least in **Second Class** or a Master's degree in Mechanical or Electrical Engineering or in both, **or**
- ( ii ) Possess a Diploma in Mechanical or Electrical Engineering or in both at least in **Second Class** and have passed **sections A and B** of the Associate Membership Examination of the Institution of Engineers ( India ), **and**
- ( iii ) Have professional experience in a responsible position or experience of teaching the subject in any recognized Technical Institute or combined professional, teaching and research experience, for not less than **three years**, gained after acquiring the basic academic qualifications mentioned above in the **para ( i ) or ( ii )**, **or**
- (iv) Possess a Diploma in Mechanical or Electrical Engineering or in both at least in second Class with seven years experience as mentioned in above in the **para( iii )**

**Provided that :-**



- ( a ) In the case of candidates having a Master's degree the period of not more than two years, spent in acquiring the said degree, and in the case of those who have completed a course of the Technical Teachers' Training under a scheme of the Government or of the Government of India, the period spent in completing the course, in no case exceeding two years, shall be counted towards the prescribed period of experience."

8. Thus, as per the above condition a candidate is required to have any of the following qualifications :-

- ( a ) A Bachelor's Degree in Electrical or Mechanical Engineering or both at least in 2<sup>nd</sup> Class,
- ( b ) A Master's Degree in Mechanical or Electrical Engineering or both,
- ( c ) A Diploma in Mechanical or Electrical Engineering or in both at in 2<sup>nd</sup> Class and passing of Sections ( a ) & ( b ) of the AMEIE.
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9. Further, after acquiring one of these qualifications he should have experience of not less than 3 years. However, If he is a diploma holder he should have experience of 7 years.

10. The proviso ( a ) to the above conditions states that if a candidate has a Master's degree, the period of not more than 2 years spent in acquiring this degree will count towards the prescribed period of experience. The Respondent no.3, MPSC, however has interpreted the above proviso to mean that such a relaxation is available only to candidates possessing a Bachelor's degree in Mechanical or Electrical Engineering. Otherwise, as is the case of the applicant, this period spent in acquiring the Master's degree will not count.

11. We find that the Respondent no. 3 has failed to properly interpreted the above proviso ( a ). From plain reading of the proviso, it will be clear that the relaxation up to 2 years is available to any candidate who has acquired a Master's degree in Mechanical or Electrical Engineering. The

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applicant has such a degree and the fact that his graduation level degree is in a subject other than in Mechanical/Electrical Engineering can in no way disentitle him from this relaxation. We also cannot ignore the fact that the applicant obtained his Master's degree on the basis of his qualification at the graduate level. The applicant therefore has a clear case in his favour and we hold that he is eligible for the posts as per Advertisement no.90/2013 and as per his position in the select list dtd. 2/9/2015. We therefore direct the respondents to grant him appointment as per his inclusion in the select list, subject to his fulfilling all other conditions of appointment. The O.A. stands disposed of in terms of the above directions with no order as to costs.

sd/-

( Justice M.N. Gilani )  
Member ( J )

sd/-

( B. Majumdar )  
Vice-Chairman.

Skt.