

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 672 OF 2024

DISTRICT:- CHH. SAMBAJINAGAR

Smt. Priyanka D/o Deelip Wani,

Age-27 years, Occu. Service,

R/o. At Post Dahigaon,

Tah : Kannad,

Dist. Aurangabad-431147

..

APPLICANT

V E R S U S

1) The State of Maharashtra,

Through the Principal Secretary,
Skills Development Department,
Mantralaya, Mumbai

**2) The Directorate of Vocational
Education & Training,**

Maharashtra State,
3, Mahapalika Marg,
Post Box No. 10036,
Mumbai 400 001.

.. **RESPONDENTS**

APPEARANCE : Shri Ajay S. Deshpande, learned counsel
for the applicant.

: Shri Mahesh B. Bharaswadkar, learned
Chief Presenting Officer for the
respondent authorities.

**CORAM : JUSTICE SHRI P.R. BORA, VICE CHAIRMAN
AND
: SHRI VINAY KARGAONKAR, MEMBER (A)**

DATE : 10.10.2024

ORAL ORDER

[Per : Shri Vinay Kargaonkar, Member (A)]

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Brief facts:

The Skills Development Department issued an advertisement for the selection of 1,457 posts of Craft Instructor across 54 trades. After the test provisional select lists were published on 24.11.2023, 07.12.2023, 11.12.2023, and 15.12.2023. The applicant had applied for 10 trades. The results of the document verification were announced on 14.01.2024 and 15.01.2024. Document verification of waitlisted candidates took place from 05.02.2024 to 10.02.2024 and on 17.02.2024 and 20.02.2024, with the results were declared on 12.03.2024. Appointment orders for the waitlisted candidates were issued on 15.03.2024. A third round of document verification is scheduled from 10.10.2024.

3. Present System Followed by the Respondents:

- i) In this case, the applicant was offered a position in the Welder trade during the first round of document verification, which led to her name being excluded from subsequent rounds. During the first round, the applicant's

name appeared only in the provisional select list for the Welder trade, leaving her without any choice to select a different trade. Although she had applied for 10 trades, she was not considered for any other trade in later rounds of document verification. As candidates are selected and their names are removed from other trade lists they applied for, the merit list advances, allowing less meritorious candidates to be considered in the next round of document verification. Since the applicant was eliminated in the first round by being offered an appointment in the Welder trade, she could not be considered in subsequent rounds, even though candidates with lower marks received offers.

ii) All candidates called for document verification in the first round (from 18.12.2023 to 22.12.2023 and on 01.01.2024) who appeared in multiple provisional select lists were required to give their trade preferences. Trades were then allotted based on these preferences. Once a candidate was selected for a particular trade, their name was automatically removed from consideration for any other trade. This process was repeated in the second round for waitlisted candidates.

iii) This system involves complex permutations of multiple trades and candidates applying for various trades. Under the current process, candidates are eliminated from consideration for future slots that become available due to non-joining by other candidates. Even if a candidate has applied for multiple trades, they can only join one. As a result, if a vacancy arises subsequently in

another trade for which they had applied, they are not considered if they have already been selected for one trade.

4. Issues with the Current System:

i) In the applicant's case, she was offered a position in the Welder trade during the first round of document verification. Consequently, her name was excluded from subsequent rounds of consideration for other trades, such as Turner, even though she had a higher merit score than some candidates who were later offered positions in subsequent rounds in the Turner trade. This procedure unintentionally led to an unfair outcome for the applicant, as she missed an opportunity in a trade where she was more meritorious than others.

ii) The automatic removal of candidates from further consideration after being selected for a single trade does not account for situations where the candidate might prefer another trade or be more qualified for it. Additionally, the system lacks a mechanism for candidates to remain in consideration for a preferred trade while accepting a provisional offer.

5. Suggested Remedies:

Revised Preference-Based System:

* Allow candidates to indicate their willingness to be considered for multiple trades, even after being selected for one. This would enable candidates to accept a

provisional offer while remaining eligible for higher-preference trades if positions become available.

****** For example, the applicant could have accepted the Welder trade provisionally while indicating her interest in the Turner trade or other trades for which she had applied. If a vacancy arose later in the Turner trade or other trades for which she had applied, she would have been prioritized based on her merit score.

6. **Transparent Waitlist Management:**

(a) Introduce a dynamic and transparent waitlist for each trade, showing each candidate's position and their eligibility for an upgrade. This would enable candidates to make informed decisions about whether to continue waiting for a preferred trade or accept the current allotment.

(b) Regular updates about the waitlist status would help candidates decide whether to hold their current selection or withdraw from the process.

7. **Round-Based Provisional Acceptance:**

- Allow candidates to accept positions provisionally while being eligible for an upgrade in subsequent rounds if a preferred trade becomes available. This would ensure that candidates are considered for their top preferences as per merit.

8. **Final Decision Round:**

Conduct a final decision round where candidates confirm their choice of trade after all rounds of document verification. This process would help fill remaining vacancies efficiently and ensure that candidates do not remain indecisive or hold multiple trades on hold.

9. **Clarification in Policy for Future Selection Processes:**

(a) To prevent similar issues in future recruitment, the respondents should include provisions allowing candidates to opt for an upgrade to a more preferred trade if their merit permits. This will prevent candidates from being disadvantaged due to procedural limitations and ensure fairer outcomes.

(b) By implementing these suggestions, the respondents can address the injustice faced by the applicant and ensure that the selection process is fair and merit-based. These measures would enable candidates like the applicant, who possess required qualifications, to secure opportunities aligned with their preferences. Additionally, a more transparent and equitable system would prevent similar situations in future recruitment cycles.

(c) The respondents should review the applicant's case and compare her merit score with those of candidates selected for other trades, such as Turner, in subsequent rounds. If the applicant's marks are higher, she should be considered for appointment in the preferred trade for which she had applied.

(d) Regarding the applicant's case, she has been disadvantaged by a system that has its flaws. Given these circumstances, the applicant should be given an opportunity to compete for other trades. In light of the specific facts of this case, we are inclined to issue the following order, which is not to be considered as a precedent.

10. Hence the following order is passed: -

ORDER

(i) Respondents shall consider the claim of applicant for appointment to other trades for which she has applied in order of merit if her marks are higher, and issue the appointment order.

(ii) The Original Application stands disposed of in the aforesaid term. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN