

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 605/2024 (D.B.)**

Jayshri d/o Sunil Kasewar,  
Aged about 26 years,  
Occupation: Contractual Staff Nurse,  
R/o Post Pendhri, Tah. Dhanora,  
District Gadchiroli

**Applicant.**

**Versus**

- 1) State of Maharashtra, Through its  
Principal Secretary, Medical  
Education and Research,  
Mantralaya, Mumbai-32.
- 2) The Commissioner, Medical  
Education and Research,  
Maharashtra State, 4th floor,  
Government Dental College and  
Hospital Building, St. George  
Hospital premises, Fort,  
Mumbai-400 001.

**Respondents**

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**Shri R.M. Fating, Id. Advocate for the applicant.**

**Shri A.P. Potnis, Id.P.O. for the respondents.**

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**Coram :- Hon'ble Shri Justice Vinay Joshi, Member (J)&  
Hon'ble Shri Nitin Gadre, Member (A).**

**Dated :- 29.01.2025**

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**JUDGMENT**

Heard Shri R.M. Fating, Id. counsel for applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The applicant was working as a “Staff Nurse” on contract basic from 27.09.2021 till date, at Pendhri, Tah. Dhanora, District-Gadchiroli. The applicant belongs to Special Backward Class Category (S.B.C). In Pursuance of advertisement dated 10.05.2023, the applicant has applied for the post of Staff Nurse. The applicant was called for written examination in which she has secured total 111.19030 marks with rank of 13515. Since the applicant has cleared the written examination, vide notice dated 25.04.2024 she was called on 30.04.2024 for verification of document. The applicant did not appear for verification of documents which resulted into rejection of her candidature.

3. It is the applicant contention that the respondent Authority did not gave second chance for document verification. The applicant was confined to the hospital for the period from 08.11.2023 to 16.11.2023 due to delivery. It is her contention that post-delivery she was on bed rest for considerable period. The applicant was posted at Pendhri which is interior part affected by Naxalite activities. She did

not got knowledge of the notification dated 25.04.2024 calling for verification which enable her to timely produce the documents. After a gap of few months, the applicant enquired about the recruitment on which she learnt that date of document verification has already gone and therefore on 04.06.2024 she has filed an application to respondent No.2 with urge to verify her document and process her candidature. The respondent has published the provisional selection list in the months of July, 2024. The applicant was shown to be absent and consequently ineligible. Being aggrieved the applicant has approached to this Tribunal with a grievance that her document be verified and she should be appointed. Having regard to the prima facie material Tribunal by interim order directed respondents to verify applicant's documents within 15 days. In pursuance thereof respondents have verified applicant's document's on 22.07.2024. The respondents have published revised Provisional Select List on 27.07.2024, wherein again the applicant was shown absent i.e. ineligible. The applicant has brought said position to the notice of this Tribunal on which the Tribunal has directed to keep one post vacant obviously in category (S.B.C) of which applicant belongs.

4. In above scenario, the applicant made various contentions to satisfy as to how her claim is justified. Firstly the applicant submitted

that due to delivery of a baby, she was hospitalised from 08.11.2023 to 16.11.2023. For few more months due to delivery she was not able to make requisite enquiry. It is submitted that the applicant was posted at far deep Tribal Area i.e. Village Pendhri Tah. Dhanora District- Gadchiroli. According to the applicant internet was not readily accessible at said place which puts dent on her excess. In above circumstances applicant would submit that her candidature be considered by giving appointment.

5. The learned P.O. objected this application by contending that in normal practice notification dated 25.04.2024 was issued calling the candidates to appear for document verification on 30.04.2024. The said notification was published on official website of respondent no.2. According to the Id. P.O. it was readily available on the website. The applicant could have checked and verified the same on and often but she did not. It is not the case that there is no internet facility at Gadchiroli District. Moreover Id. P.O. upon instructions from Nursing Department (D.M.E.R.) has submitted that like applicant 756 candidates have not appeared for verification on the scheduled date. Moreover, the respondent has produced copies of applications filed by some of the candidates with similar urge to condone delay occurred on medical ground and to verify their documents. Categorical statement

is made by respondents that only 05 candidates applied for verification by contending that due to medical reasons they were unable to attend on due date for verification. Copy of those applications have been tendered for our perusal. It was a categorical statement by respondent that beside those 05 candidates none other candidate has applied to the respondent on medical ground for delayed verification and appointment. For the sake of convenience we wish to make reference of those 05 candidates in tabular form as below :-

<b>Sr. No.</b>	<b>Name</b>	<b>Merit No.</b>	<b>Date of Application</b>
1.	Sonam Gorakh Raut	7488	06.05.2024
2.	Deepali Mohan Nande	27784	24.04.2024
3.	Pooja Govardhan Tipare	3433	06.05.2024.
4.	Nilima Laxman Gaikwad	17990	09.08.2024
5.	Rekha Suryabhan Kamble	110	24.04.2024

On that basic it is argued that those candidates though applied have not been considered and thus for similar reasons if applicant is considered then it would cause injustice to the other similarly situated candidates.

6. The learned counsel for the applicant has submitted that the Tribunal has already directed by order dated 16.07.2024 to verify

the documents and further by interim order dated 05.08.2024 has kept one post vacant for the applicant. Therefore, though others have also applied on medical ground however applicant deserves. We are not in agreement with said submission because always interim orders have been passed on prima facie material which merges into final order. The applicant cannot draw any strength from interim order as regards to merits are concerned. The situation emerges that the applicant and 05 others have remained absent on the date of verification on somewhat similar ground. Rather we find that those five candidates have also applied to the respondent for considering their claim of verification of documents. In the circumstances, they are exactly falling on similar line and therefore, their rights will be affected, if the applicant's claim is entertained by overlooking their rights. The Id. P.O. has submitted that one post from S.B.C. category is already kept vacant in pursuance of order of this Tribunal dated 05.08.2024.

7. Justice and equality lies in verifying the documents of all these five candidates as set out in above table with the applicant for taking decision as to who deserves for one post reserved in S.B.C. category. The respondent need to verify the claim of only those candidates from above table who belongs to S.B.C. category and then consider the merits of applicant with those S.B.C. category candidate

if any for deciding rightful claim. Since only one post is from S.B.C. category has been kept vacant the said post has to be filled from the candidate who belongs to S.B.C. category.

8. The Id. P.O. upon instruction made a statement that the applicants documents have already been verified and found to be in order. In the circumstance there is no necessity to undertake said exercise to the extent of applicant. In case some other candidate is selected and he or she did not join then vacant post shall be assigned as per merit. The said exercise shall be completed within four weeks from the date of uploading of this order.

### **ORDER**

- i. In view of the above, the application is allowed.
- ii. We hereby direct the respondents to verify the documents of other candidates from above table who belongs to S.B.C. category and as per merits give appointment to deserving candidate.
- iii. No order as to costs.

**Member (A)**

**Member (J)**

**Dated :-29/01/2025**

kds

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Krushna Dilip Singadkar.

Court Name : Court of Hon'ble Member (J)&  
Member (A).

Judgment signed on : 29/01/2025

Uploaded on : 29/01/2025