

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.705/2024

DISTRICT:- DHARASIV

Dr. Sanjeeta D/o Vijay Bansode
Age: 26 Years, Occu- Medical Officer
presently working on contract basis
at Primary Health Centre (P.H.C.)
Sonari, Tq. Paranda, Dist. Dharashiv
R/o: P.H.C Anala Head Quarter
At Anala PO Sonari Tq. Paranda,
Dist. Dharashiv 413505.

...APPLICANT

V E R S U S

1. The State of Maharashtra,
Through Joint Secretary and
Secretary of the Independent
Selection Board, Public Health
Department, 10th floor,
Complex Building, Gokuldas
Tejpal Hospital Campous,
Mumbai-1.
2. The Secretary,
Public Health Department,
10th Floor, Complex Building,
Gokuldas Tejpal Hospital Campous,
Mumbai-1.
3. The Commissioner Health Services
and Managing Director (M.D.)
(N.H.M.) Public Health Department,
3rd floor "Arogya-Bhavan"
St. Georges Hospital Campus,
C.S.T. Mumbai-1

...RESPONDENTS

APPEARANCE :Shri M.R. Kulkarni, Counsel for
Applicant.
:Mrs. Deepali S. Deshpande, Presenting
Officer for the respondent authorities.

**CORAM : JUSTICE SHRI V.K.JADHAV, VICE CHAIRMAN
AND
SHRI VINAY KARGAONKAR, MEMBER (A)**

DATE : 17-02-2025

O R A L O R D E R
[Per : Justice V.K.Jadhav, VC]

1. Heard Shri M.R. Kulkarni, learned Counsel for the Applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.
2. Heard finally with consent of parties at the admission stage.
3. The applicant claims to be a qualified medical professional from OBC category (Women). In response to the advertisement no.01/2024 the applicant has applied for the post of Medical Officer Group-A under the Maharashtra Medical and Health Services. Initially, on 21-02-2024 the applicant was held eligible for the post by the respondents by issuing notification to that effect. In remarks column nothing has been mentioned about non-submission of the mark-sheets, however, on 29-02-2024 the applicant was declared ineligible for the reason that MBBS mark-sheets is not uploaded by the applicant, Annexure 'A-1', page-15.

4. Learned Counsel for the applicant submits that despite the applicant has submitted all years' mark-sheets along with her online application and even though the said fact is reflected in the notification dated 21-02-2024, by impugned order dated 29-02-2024 the applicant was declared ineligible for non-submission of MBBS mark-sheets. It is also the matter of record that the applicant has submitted MBBS degree certificate along with her online application and the same is not disputed.

5. Learned P.O. submits that it is specifically mentioned in clause 3.13 of the advertisement that the candidates should upload all years' mark-sheets and certificates of Medical Graduation and Post-graduation with the online form, however, along with online application applicant has not uploaded MBBS mark-sheet and failed to submit the other years' mark-sheets. Learned P.O. submits that after following the due process the department has issued the notification on official website on 21-02-2024 informing thereby to all the candidates to submit their all years' mark-sheets, certificates and other documents if those documents are not uploaded while filling up the application form, within two days from the date of notification. The applicant has not

submitted the said mark-sheets, the department therefore published the merit list on 29-02-2024 and declared thereby that the applicant is not the eligible candidate.

6. We have carefully perused the advertisement Annexure-A-3. In terms of clause 3.13, it was incumbent upon the aspiring candidates to submit the mark-sheets of all the years along with degree or post-graduation certificate as the case may be. On perusal of the notification as referred by the applicant so also by the learned P.O. dated 21-02-2024, though we find name of the applicant is mentioned in the said notification, however, the remarks column of the said notification is kept blank. Some of the candidates listed in that notification, as against their names in remarks column, certain endorsement/s seems to have been passed directing to comply with the same.

7. In the backdrop of these facts, we have also perused the copy of the online application submitted by the applicant Annexure-A-4. On perusal of the same, it appears that the applicant has mentioned in detail the marks obtained in each and every year of MBBS degree course of four years. Learned Counsel for the applicant on instructions submits that the applicant has complied with all the instructions including the

instruction no.17 which contemplates that the candidates should upload all the documents in PDF format. Had there been any deficiency in submitting the online application pertaining to non-submission of the mark-sheets, the same would have been referred in the notification dated 21-02-2024. However, we find no such remark as against the name of the applicant.

8. In our considered opinion the applicant has not been given a fair opportunity to place before the concerned authorities the requisite copies of the mark-sheets and consequences thereof are serious, the applicant subsequently held to be ineligible for want of copies of those mark-sheets of first and second year of degree course of MBBS.

9. In the identical facts of the case we have passed the similar order dated 12.02.2025 in O.A. No. 1220/2024.

10. During the pendency of this O.A. we have directed the learned P.O. to take instructions as to what is the present status of the recruitment and whether all the posts are filled in by issuing appointment orders or still there are vacant posts. On perusal of the communication dated 11-02-2025, copy of the same is also placed before us, it appears that at present,

the process is still going on in respect of the appointments for the 408 vacant posts from the list of waiting candidates.

10. In view of the above discussion, we are of the firm opinion that the applicant has been declared ineligible without any basis and the applicant is required to be considered for the said post, if she is otherwise eligible in all respects. Hence, we proceed to pass the following order:

ORDER

- [i] Original Application is hereby partly allowed.
- [ii] Impugned notification dated 29-02-2024 issued by the respondents is hereby quashed and set aside to the extent of the applicant.
- [iii] Respondents are hereby directed to consider the applicant as eligible for the post of Medical Officer Group-A under the Maharashtra Medical Services Group-A recruitment process and permit the applicant to participate in the ongoing recruitment process for the said post.
- [iv] Respondent authorities may appoint the applicant on the same post if she is found suitable in terms of the advertisement.
- [v] In the circumstances, there shall be no order as to costs.
- [vi] Original Application is accordingly disposed of.

(VINAY KARGAONKAR)
MEMBER (A)
Place : Aurangabad
Date : 17-02-2025.
O.A.705-2024-HDD-2025

(V. K. JADHAV)
VICE CHAIRMAN