MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.850/2022 (S.B.)

Shriprakash s/o Madanlal Chouhan,
Age 60 years, Occ: Retired Govt. Servant,
R/o 25, Gopikrishan, NIT Adiwasi Layout,
Trimurti Nagar, NAGPUR-22.

... **APPLICANT**

// V E R S U S //

1] The State of Maharashtra,
Through its Secretary,
Skill Development, Employment &
Entrepreneurship Department,
Mantralaya, Mumbai-32.

2] The Joint Director of Vocational
Education & Training,
Civil lines, NAGPUR-440 001.

3] The District Vocational Education Officer, Wardha.

... **RESPONDENTS**

Shri Bharat Kulkarni, Ld. Counsel for the Applicant.

Shri A.P. Potnis, Ld. P.O. for the Respondents.

Coram :- Hon'ble Shri Justice M. G. Giratkar,
Vice Chairman.

Dated :- 11/02/2025.

J U D G M E N T

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

2. The case of applicant in short is as under:-

Applicant is retired from the post of full-time Instructor on 30/06/2020. Applicant has completed 24 years of service on 22/01/2017 and he is entitled to get Selection Grade as per G.R. dated 05/09/2007. The respondents have granted same benefit to the juniors of applicant, but applicant is deprived of the same benefit. Hence, applicant approached to this Tribunal for the following reliefs:-

> *"9A Direct the respondents to grant the selection grade to applicant Details are at Annexure No. A-1.*
>
> *B] quash & set aside the rejection letter of R. No.3 dated 22/01/2020.*
>
> *C] Direct the respondents to sanction the selection grade and Pay arrears and the interest on delayed payment as per rule.*
>
> *D] Direct the respondents to revise the pension and other retiral benefits on account of sanction of selection grade."*

3. O.A. is strongly opposed by the respondents. It is submitted that the quota is not fulfilled and therefore applicant is not entitled to get Selection Grade. Para 4 of the reply is reproduced below:-

> *"4. It is submitted that the Department of M.C.V.C. comes under the Joint Director, Vocational Education & Training under Skill Development & Entrepreneurship and not under School Educations. The Government Resolution dated 05/09/2007 cited is not related to this department of M.C.V.C. The sanctioned post of Full Time Teacher in M.C.V.C. Department of New English Junior College is 4. For the matter it should be 5 then only one Full Time Teacher (20% Criteria) would had been eligible for selection grade. Hence, since no one was available for selection grade, Respondent No.2 rightly rejected the proposal of selection grade of the applicant. The communication dated 22/01/2020 issued was just and clear and according to rules"*

4. During the course of submission, learned counsel for applicant has pointed out the G.R. dated 05/07/2007 which is reproduced as under:-

> ***"1-*** *चवथ्या वेतन आयोगाच्या शिफारशीनुसार सुधारित वेतनश्रेण्या दिनांक* ***1*** *जानेवारी* ***1986*** *पासून लागू करण्यात आल्या आहेत. त्यामुळे ज्या शिक्षकाची दिनांक* ***1*** *जानेवारी* ***1986*** *पर्यंत सलग* ***18*** *वर्ष अर्हताकारी सेवा झाली असेल, केवळ अशाच शिक्षकांना उच्च शैक्षणिक अर्हता प्राप्त करून घेण्याच्या अटीतून सुट देण्यात आली आहे.*
>
> ***2 -*** *ज्या शिक्षकाची दिनांक* ***1*** *जानेवारी,* ***1986*** *पर्यंत सलग किमान सेवा* ***18*** *वर्षापेक्षा कमी झालेली आहे, अशा शिक्षकांना ही सूट देय*

नाही. त्यांनी आपली शैक्षणिक अर्हता वाढविणे आवश्यक आहे. अन्यथा उच्च श्रेणीसाठी ते पात्र समजले जाणार नाहीत.

3- ज्या शिक्षकाची सलग अर्हताकारी सेवा किमान 18 वर्ष झाल्यामुळे शैक्षणिक अर्हता वाढविण्याच्या अटीपासून सुट मिळालेली आहे, अशा शिक्षकांची ज्या वर्षी 24 वर्षे सलग अर्हताकारी सेवा पूर्ण झाली असेल, अशा शिक्षकांना त्या वर्षापासून अन्य अटी व शर्तींची पूर्तता होत असल्यास निवड श्रेणी देय ठरेल.

4- ज्या शिक्षकाची दिनांक 1 जानेवारी 1986 रोजी सेवेची किमान सलग 18 वर्षे पूर्ण झाली आहेत, त्यांना वरिष्ठश्रेणी देउन त्यानंतर अटी व शर्तींची पूर्तता होत असल्यास त्या पुढील 12 वर्षांनी म्हणजे सेवेची 30 वर्षे सलग अर्हताकारी सेवेनंतर निवड श्रेणी देय करू नये.

5- वरिष्ठ श्रेणी किंवा निवड श्रेणीसाठी ज्या विहीत शैक्षणिक अर्हता व अन्य अटींची पूर्तता होइल त्या दिनांकापासूनची सेवा अर्हताकारी सेवा म्हणुन विचारात घेण्यात यावी. त्याप्रमाणे परिगणना करून वरिष्ठ श्रेणी किंवा निवड श्रेणी लागू करण्यात यावी.

6- हे परिपत्रक महाराष्ट्र शासनाच्या संकेत स्थळावर उपलब्ध करण्यात आले असून त्याचा संगणक संकेतांक 20070905113529001 असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या नावाने व आदेशानुसार

। श्री.भि. होटकर ।

अवर सचिव, महाराष्ट्र शासन"

5. The applicant has completed 24 years of service. As per the G.R. he is entitled to get Selection Grade. The application made by the applicant dated 22/04/2019 shows that Juniors Miss Gujjewar and Shri Lingawar were granted the same benefit of

Selection Grade. Applicant has completed 24 years of service earlier to the said persons, but respondents have not granted Selection Grade to him.

6. It is expected from the employer to give same treatment to the similarly situated employees. The Government also issued the G.R. after the Judgment of Hon'ble Supreme Court in the case of ***State of Uttar Pradesh & Ors. Vs. Arvind Kumar Srivastava reported in 2015 (1) SCC, 347***. Hence, the following order:

O R D E R

(i) The O.A. is allowed;

(ii) The Respondents are directed to grant benefit of Selection Grade to the applicant after completion of 24 years of service, if he fulfils the condition mentioned in the G.R. dated 05/09/2007.

(iii) No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman.

Dated :- 11/02/2025.
PRM.

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

Name of Steno	:	Piyush R. Mahajan.
Court Name	:	Court of Hon’ble Vice Chairman.
Judgment signed on	:	11/02/2025.