

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.853 OF 2024

DISTRICT : MUMBAI

Shri Shyam Gajanan Raut,)
Occ-Nil, R/o Shivam Classic, Flat No. 202/A,)
Sector-23, Nerul [E], Navi Mumbai)...Applicant

Versus

1. The State of Maharashtra)
Through the Secretary,)
Skill Development & Entrepreneurship)
Department, Mantralaya, Mumbai)
2. The Director,)
Vocational Education & Training)
3, Mahapalika Marg, CSMT Area,)
Fort, Mumbai 400 001)
3. The Joint Director,)
Vocational Education & Training,)
3, Mahapalika Marg, CSMT Area,)
Fort, Mumbai 400 001)...Respondents

Shri K.R. Jagdale – Advocate for the Applicant

Shri A.D. Gugale – Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula Bhatkar, Chairperson
Shri A.M. Kulkarni, Member (A)
RESERVED ON : 13th February, 2025
PRONOUNCED ON: 11th March, 2025
PER : Shri A.M. Kulkarni, Member (A)

J U D G M E N T

1. The applicant prays to quash and set aside the impugned result of Document Verification dated 1.3.2024 (qua the present applicant) issued by the Respondent No.3. Further he prays that the Respondents No.2 & 3 be directed to consider the Project Affected Person (PAP) Certificate dated 1.3.2024 as valid for appointment under open OBC-PAP category and accordingly place his name in the eligible list of candidates for appointment to the post of Senior Clerk/Senior Clerk (Urban)/Senior Clerk (Rural) Group-C.

2. Learned Advocate for the Applicant has submitted that pursuant to advertisement issued on 17.2.2023 by the respondents, the applicant applied for various posts of Senior Clerk/Senior Clerk (Urban)/Senior Clerk (Rural) Group-C. Learned Advocate for the Applicant has submitted that clause 11.5 of the Advertisement is applicable to PAP category candidates. As per clause 11.5 of the advertisement, the person seeking reservation under PAP category is required to submit the Certificate issued by a prescribed Authority. Learned Advocate for the Applicant has submitted that total 42 posts were to be filled and out of that 2 posts were reserved for PAP category and out of the 2 posts, one was for OBC-PAP category. The applicant submitted the valid Certificate dated 20.2.2017 of being Project Affected Person issued by the Deputy Collector (Land Acquisition) (Minor Irrigation Works) Buldhana. Learned Advocate for the Applicant has submitted that on 1.8.2023 the provisional Merit List was

published by Respondent No.2 for the post of Senior Clerk and the name of the Applicant is at Sr. No.5 with 148 marks. Thereafter on 24.11.2023 a revised Provisional Select List was published in which the name of the Applicant is at Sr. No.5 under open PAP category-2 on the basis of his merit. The claim of the applicant was rejected on the ground that the applicant was not having valid Certificate of belonging to PAP category.

3. Learned Advocate for the applicant has submitted Certificate dated 20.2.2017 at Exh. 'B' by the Deputy Collector, Land Acquisition and Minor Irrigation Works, Buldhana. He has also relied on another Certificate dated 1.3.2024 issued by Sadashiv Shelar, District Rehabilitation Officer, Buldhana. Learned Advocate for the Applicant has submitted that the applicant has submitted the said PAP Certificate dated 1.3.2024 on the same day, i.e., on 1.3.2024 to the Respondents. Learned Advocate for the Applicant has submitted that the applicant stood at Sr. No.1 in the merit list with 148 marks. Learned Advocate for the Applicant has pointed out to Circular No.42 dated 28.12.2023 issued by Respondent No.2, The Director, Vocational Education and Training that candidates who were absent for document verification on earlier occasion, were called to verify their documents.

Learned Advocate for the Applicant relied on Circular No.68 dated 12.7.2024 issued by Respondent No.2, disclosing that the representations of some candidates who were held ineligible were considered and after re-verification of documents, five candidates were found eligible. Learned Advocate for the Applicant has submitted that Circular No.68 dated 12.7.2024 indicates that some candidates who were found not eligible were given second change and re-verification of their documents was done on 1.3.2024 and 14.3.2024 among other dates. Learned Advocate for the Applicant relied on the Result on page 99 of the Original Application which is the result after re-verification of documents. Learned Advocate

for the Applicant has pointed out that at the time of verification of documents, in the remarks column of the said Result, it is mentioned as 'not having relevant experience' or 'not having EWS Certificate'. In the column of revised verification of documents all the other five candidates are found eligible. Therefore, learned Advocate for the Applicant has submitted that the applicant was denied opportunity of re-verification and therefore there is a clear case of discrimination. Learned Advocate for the Applicant relied on the following case laws:-

- (1) **Judgment of the Hon'ble Supreme Court dated 5.10.2024 in the case of Dolly Chhanda Vs. Chairman, JEE & Ors in Civil Appeal No.6506 of 2004 arising out of S.L.P (Civil) No.21153/2023. Para 9.**
- (2) **Judgment of the Hon'ble Bombay High Court dated 6.4.2016 in Shri Sunil V. Rathod Vs. The Chairman, M.P.S.C & Ors, W.P. No.5410/2015 in C.A. No.3261/2015. Para 3 & 5.**
- (3) **Judgment of this Tribunal dated 29.10.2021 in Anjali D. Tayade Vs. The State of Maharashtra & Ors, O.A.824/2021. Para 12.**

4. Ld. Advocate for the applicant wants to rely on the judgment of the Hon'ble Supreme Court in **Dolly Chhanda** (supra) especially para 9 which is reproduced below:

"9. The appellant undoubtedly belonged to reserved MI category. She comes from a very humble background, her father was only a Naik in the armed forces. He may not have noticed the mistake which had been committed by the Zilla Sainik Board while issuing the first certificate dated 29.6.2003. But it does not mean that the appellant should be denied her due when she produced a correct certificate at

the stage of second counselling. Those who secured rank lower than the appellant have already been admitted. The view taken by the authorities in denying admission to the appellant is wholly unjust and illegal.”

5. The facts in that case are distinguished in so far as the petitioner therein had submitted her certificate rectifying the mistake on the date of second counseling. In the instant case the applicant submits that he should have been called for re-verification of documents after the cutoff date as the process was alive till almost July, 2024.

6. Ld. Advocate for the applicant also wishes to rely on para 3 & 5 of the judgment in **Shri Sunil Vitthal Rathod** (supra). This judgment is distinguished in facts as in the present case there is an authority prescribed vide GR of 1980, certificate issued under whose signature is to be treated as valid.

7. Ld. Advocate for the applicant wants to rely on para 12 of the judgment in **Anjali D. Tayade** (supra). The facts in this OA are also distinguished. Ld. Advocate pointed out to the specific lines which read as under:

“12. The Government servant who is the issuing authority is expected to have knowledge of the prescribed proforma. It appears that the proforma which is demanded by the Respondent No.2, is the proforma which is prescribed as per G.R. dated 30.06.2006. However, the concerned SDO, Akola was not aware of the said G.R. by which the earlier G.R. which was issued 25 days earlier was cancelled. Thus, we find neither negligence nor any fault on the part of the applicant and therefore the objection raised in letter dated 16.04.2010 by the Respondent No.2 is not sustainable. The

disqualification mentioned therein is incorrect and illegal and therefore it is hereby set aside.”

8. However, in the present case it cannot be said that the same authority which issued certificate dated 20.2.2017 has issued certificate dated 1.3.2024 and that the authority was not having knowledge of the prescribed proforma. The contents of the two certificates are entirely different from each other. While the one issued on 20.2.2017 just mentions about acquisition of certain portion of land owned by the applicant, for a project; the one issued on 1.3.2024 clearly speaks of the applicant being PAP and that he is eligible for reservation in government job.

9. Learned P.O. has submitted that the cut-off date for submitting the application was 9.3.2023. The applicant submitted the document on 1.12.2023 for verification of documents. Learned P.O. submitted that the Certificate dated 20.2.2017 of Project Affected Person submitted by the applicant before the cut-off date was rejected by the Respondents as it was not in the proper Format signed by a prescribed authority. Learned P.O. on instructions from Shri Anand Lohar, Inspector in the office of Respondent No.2, submits that the Certificate which is dated 20.2.2017 was not in the required format, but it was just a letter. This communication only certified that the applicant's land has been acquired for a project of Minor Irrigation and is signed by Dy. Collector (Land Acquisition), (Minor Irrigation Works), Buldhana. Learned P.O. while explaining the Circular No.68 dated 12.7.2024 submitted that the candidates who were declared ineligible though they were possessing the requisite documents, as they could not produce the physical documents on the earlier date of verification. Therefore, they were given one more chance to produce the documents for verification and thus re-verification of documents was done. Thus, the documents which were earlier verified

on 16.1.2024, 17.1.2024, 1.3.2024 and 14.3.2024 and on those days who could not produce the documents they were given one more opportunity of re-verification of documents by Circular No.68 dated 12.7.2024 and five candidates were found eligible. Learned P.O. has further submitted that the applicant was not possessing the requisite document in the prescribed Format and therefore, his case was not considered. The other candidates who were possessing the requisite Certificate in prescribed Format did not carry those Certificates on the date of verification of documents and so opportunity was given to them and the case of the applicant is not falling in the said category.

10. Learned P.O. produces G.R dated 21.1.1980 wherein Annexure-I is the Proforma regarding issue of Certificate for Project Affected Persons. Learned P.O. relied on the decision of the Hon'ble Supreme Court in the case of **Divya Vs. Union of India & Ors, Writ Petition (Civil) No.724/2023**. Para 28 of the said judgment reads as under:

“28. It is averred that out of 13,090 candidates, 13,051 candidates finally submitted their DAF-I. As per the result of the CSE (Main) Examination, 2022 which was declared on 06.12.2022, 2,529 candidates (2.5 times of 1022 vacancies), as per the Rules of the examination, were declared qualified for the interview. That the documents of 2,529 candidates were scrutinized and the candidates were notified of their deficiency in the certificates; that 298 candidates qualified the interview belonging to the EWS Category and the I&ACs of the 298 candidates were scrutinized; that 28 candidates were failed either due to their not possessing I&AC by 22.02.2022 or for failure to upload I&ACs issued on the basis of income for the F.Y. 2020-2021; that 14 candidates who fulfilled the General Standard were adjusted against the General quota and their category was changed from EWS to General.”

11. Though the issue in question in **Divya** (supra) is different or distinguished from the issue at hand, the point that the cutoff date has to be honoured for submission/uploading of certificates needs to be considered.

12. Ld. PO also submits that para 11.5 of the advertisement needs to be seen. The same is reproduced below:

“११.५. प्रकल्पग्रस्त/भूकंपग्रस्त : भूकंपग्रस्तांकरिता राखीव असलेल्या पदांवर नियुक्तीसाठी ज्या कुटुंबातील व्यक्तीचे भूकंपात निधन झाले आहे किंवा ज्यांचे घर पूर्णपणे कोसळले होते, त्यामुळे शासनाने त्यांना नविन घर बांधून दिले अशा व्यक्तींचे पाल्य नियुक्तीसाठी पात्र ठरतील. पात्र भूकंपग्रस्त उमेदवार पुरेशा प्रमाणात उपलब्ध न झाल्यास अशा पदांवर पात्र प्रकल्पग्रस्त उमेदवारांचा नियुक्तीकरिता विचार करण्यात येईल. प्रकल्पग्रस्त/भूकंपग्रस्त उमेदवाराने **विहित प्राधिकाऱ्याने** निर्गमित केलेले प्रमाणपत्र सादर करणे आवश्यक राहील.” (emphasis added)

13. It is to be noted that the insistence is on certificate to be obtained by a candidate which is signed by a designated officer. In the instant case, the applicant has obtained certificate dated 20.2.2017 signed by Dy. Collector (Land Acquisition) (Minor Irrigation Works), Collectorate Office, Buldhana. This certificate only speaks of certain area of land belonging to the applicant being acquired for a Minor Irrigation Project in the District Buldhana. The cutoff date for submission of the certificate was 9.3.2023 whereas the applicant has applied for, obtained and submitted the certificate in prescribed proforma as per GR dated 21.1.1980 on 1.3.2024 which is way beyond the cutoff date of 9.3.2023.

14. However, Ld. Advocate for the applicant submits that even after the cutoff date there have been several occasions on which some of the candidates have been called with certificate to verify/reverify the same. Moreover, 5 candidates have been included in the select list from the lot of such candidates. So his submission is that if the applicant had been so called with his certificates and if his certificates were then found to be in order, after re-verification, the applicant should have been included in the select list.

15. Ld. PO has submitted certain details on our query regarding verification of certificates of the candidates. In the Purshis submitted, on our query, Ld. PO submits that the applicant was called for document verification on 1.12.2023 vide circular No.41 issued by Respondent No.2. The applicant's category therein was mentioned as Senior Clerk and accordingly the applicant remained present on 1.12.2023 for document verification.

16. One time opportunity was thereafter given to those candidates who could not remain present for document verification on 30.11.2023 and 1.12.2023. This opportunity was given on 1.1.2024. Since the applicant had remained present on 1.12.2023 itself, there was no need for the authorities to call him for document verification thereafter. Ld. PO further submits that for the post of Senior Clerk, for those candidates who had undergone process of document verification on 30.11.2023, 1.12.2023 and 1.1.2024, the result was published on 17.1.2024.

17. Ld. PO states that further since total 51 candidates from the above, made representation/application about their grievance along with the required certificates/documents etc. result of 32 candidates was amended indicating the fairness of respondents in the process. The said amended result was declared on 1.3.2024 wherein the applicant earlier held

ineligible on account of educational qualification was later held ineligible for want of valid PAP certificate.

18. To the applicant's submission that 5 candidates were declared eligible later, Ld. PO submits that only one viz. Shri Shivaji Dinkar Patil had applied for the post of Senior Clerk (the post for which the Applicant also applied) was called for document verification on 26.2.2024 by operating waiting list. The result subsequent to this document verification was also declared on 1.3.2024 and Shivaji D. Patil was declared ineligible for want of EWS certificate though mistakenly mentioned as not having NCL-2022-23 instead of EWS 2022-23. However, Shri Patil made an application along with EWS certificate dated 13.1.2023 (issued prior to the cutoff date of 16.9.2023 of the advertisement) for the year 2022-23. In view of this his result was updated from ineligible to eligible vide circular No.68 dated 12.7.2024.

19. Ld. PO further submits that document verification result dated 14.3.2023 (one of the dates mentioned in circular No.68 dated 12.7.2024 Exh.K page 98 of the OA) is in view of the document verification scheduled on 26.2.2024 for trades other than Senior Clerk. The applicant in this OA had applied for the post of Senior Clerk.

20. Ld. PO further submits that even if for the sake of argument applicant's representation dated 4.3.2024 is considered, same cannot be honoured as the applicant had submitted the certificate dated 1.3.2024 acquired much after the last date for submission of documents.

21. In response to our query, Ld. PO further submitted that document verification has taken place on 11.10.2024 and 4.12.2024 for such candidates who could not join the document verification on earlier dates.

The result subsequent to these two document verification dates was declared on 24.12.2024, indicating further the fairness in the process.

22. Ld. PO also relies on the judgment and order dated 25.8.2021 passed by the Aurangabad Bench of this Tribunal in **OA No.813/2017 Nagesh Mahadev Phad Vs. The State of Maharashtra & Ors.** and particularly para 13 which reads as under:

“13. The candidature of the Applicant is found to be invalid as on the reference date i.e. the last date for submission of application, therefore the appointing authority was justified in giving appointment to the next person in the merit list i.e. Respondent no. 4. The judgments of the Hon’ble Supreme Court in Ashok Kumar Sonkar vs Union of India and Diptimayee Parida Vs. State of Orissa reported in 2007 DGLS (SC) 214 (Supreme Court) and 2008 DGLS (SC) 1377 (Supreme Court), Diptimayee Parida Vs State of Orissa & Ors. has upheld that requirement of eligibility has to be taken on cut-off date and in the absence of any cut-off date specified in the advertisement or rules, the last date for filing of an application shall be considered as such. In the instant case, the Applicant did not have his name on the certificate as a ‘Nominee’ until the last date of Application i.e. July 18, 2017 and thereafter till August 15, 2017 and hence, cannot be considered to qualify as a ‘nominee’ of the project affected person for the purpose of employment.”

23. We are of the view that the point about cutoff date in the order in the case of **Nagesh M. Phad** (supra) is applicable in this OA.

24. Hence, in the light of the facts of the case, arguments advanced and case laws cited, we find no merit in the claim of the applicant. Hence, we pass the following order:

ORDER

(A) The Original Application is dismissed.

(B) No order as costs.

Sd/-

(A.M. Kulkarni)
Member (A)
11.3.2025

Sd/-

(Mridula Bhatkar, J.)
Chairperson
11.3.2025

Dictation taken by: S.G. Jawalkar.