

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 392/2024 (D.B.)**

1. Babarao S/o Laxmanrao Bhosale,  
Aged about 35 years, Occ. Nil,  
R/o At Post Waghi,  
Tah. & Dist. Nanded – 431 602.
2. Pravin S/o Pundalik Gedam,  
Aged about 41 years, Occ. Nil,  
R/o at Post Lasina,  
Tah. & Dist. Yavatmal – 445 002.
3. Pradip S/o Bhikari Jadhao,  
Aged about 29 years, Occ. Nil,  
R/o at Asta, Post Kandali,  
Tah. Digras, Dist. Yavatmal.
4. Sudhir S/o Sheshrao Dhale,  
Aged about 34 years, Occ. Nil,  
R/o at Ramnagar, Post Waghara Takli,  
Dist. Yavatmal – 445 306.

**Applicants.**

**Versus**

1. The State of Maharashtra,  
through its Principal Secretary,  
Public Health Department,  
10<sup>th</sup> Floor, G.T. Hospital Campus Building,  
New Mantralaya, Fort, Mumbai – 400 001.
2. Commissioner of Public Health and  
Director National Health Mission,  
Government of Maharashtra,  
Arogya Bhawan, Saint Georges Hospital Compound,  
Fort, Mumbai – 400 001.
3. Joint Director of Health Services,  
(Malaria, Filariasis and Water Borne Diseases),  
Pune – 06.

4. Deputy Director of Health Services,  
Nagpur Region, Mata Kacheri Compound,  
Shraddhanand Peth,  
Nagpur – 440 022.
5. District Malaria Officer,  
Mata Kacheri Compound,  
Shraddhanand Peth,  
Nagpur – 440 022.

**Respondents**

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**Shri N.D.Thombre, Id. Advocate for the applicants.**

**Shri V.A.Kulkarni, 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 :- 10.03.2025.**

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**ORAL JUDGMENT**

**[Per :- Justice Vinay Joshi, Member (J)]**

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Heard finally with the consent of both the counsel.

2. By invoking provisions under Section 19 of the Administrative Tribunal Act, applicants have questioned the selection process and sought appointment on the post of District Malaria Officer at Nagpur.

3. In response to the advertisement dated 15.03.2023, the applicants have applied for the said post at Nagpur District in the category of नियमित क्षेत्र कर्मचारी (इतर उमेदवारांमधून ५० टक्के) for which 14 posts

were reserved. It is applicants' case that they have cleared the necessary examination and stood in the merit reflecting their names in provisional select list. It is applicants' contention that though initially 14 posts have been advertised for said category, however, during mid-process the respondents have reduced the posts from 14 to 6 posts only. In consequence, one post in S.T. Category, one post in O.B.C. Category, one post in E.W.S. and three posts in Open Category remained. The reduction of posts made applicants ineligible. The main grievance is that once the posts are advertised, candidates applied and stood in merit, then the posts cannot be reduced.

4. In response, the respondents have filed affidavit-in-reply stating that Clause No. 1.1 of the advertisement makes it abundant clear that there is possibility of increase or decrease in the number of posts advertised. After advertisement, reduction may occur due to interdivisional transfer, compassionate appointment or for like reasons. It is contended that in said category six posts are already filled due to compassionate appointment, whilst two posts are filled due to reversions of two employees to their original posts. In the result, those eight posts have been reduced. In consequence, the posts advertised have been reduced to the extent of six posts. Though, it is submitted by applicants that once the posts were advertised, candidates have applied

and appeared for examination, the posts cannot be changed, however, due to variety of reasons, change occur. The advertisement itself is very clear on said aspect.

5. According to applicants, excess posts were filled on compassionate basis but we do not see any substance in the said contention, since total posts were 277 and filling up these posts would be less than 20% of vacancies. One another submission is that there is no clear reply from State whether one handicap post was filled from the handicap category while making compassionate appointment. Likewise, reservation bifurcation has not been given. We do not expect such bifurcation in the reply, since there is no clear pleading so as to expect response from the other side. The applicants have no right to claim appointment. It is apparent that due to change in circumstances, the posts have been decreased for valid reason. In conclusion, Original application carries no merits, hence dismissed with no order as to costs.

**(Nitin Gadre)**  
**Member(A)**

aps

Dated – 10/03/2025

**(Justice Vinay Joshi)**  
**Member (J)**

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

Name of Steno : Akhilesh Parasnath Srivastava.

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

Judgment signed : 10/03/2025.

on and pronounced on