

MAHARASHTRA ADMINISTRATIVE TRIBUNAL: MUMBAI

BENCH AT NAGPUR

O.A. No. 546/2024

Omprakash B. Kabde

Vs.

STATE OF MAHARASHTRA & 3 ORS.

Smt S.P. Deshpande, Id. counsel for the applicant.

Smt S. R. Khobragade, Id. P.O. for the respondent Nos.1 to 3.

Shri N.S. Bhelkar Id. Counsel for the respondent No. 4.

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

Dated : 17/03/2025

Heard Smt S.P. Deshpande, Id. counsel for applicant, Smt S.R. Khobragade, Id. P.O. for respondent Nos.1 to 3 and Shri N.S. Bhelkar for R/4.

2. In response to the advertisement dated 26.06.2023 issued by Revenue and Forest Department, the applicant has applied for the Post of Talathi. The applicant was Anshkalin / Part Time employee. He has filled the form in the Open category, and mentioned that he is Anshkalin / Part Time employee. It is the applicant's contention that he has secured more marks

than respondent No. 4 who was selected in the O.B.C. Category, Anshkalin / Part time employee. The applicant would submit that since there were no specific posts in the initial advertisement for O.B.C. Anshkalin category, therefore, he has filled the form in the Open category. In consequence, applicant would submit that he being secured more marks than respondent No. 4, he should be shifted in the O.B.C. Anshkalin Category. The applicant has relied on clause 4.12 of the advertisement for said purpose.

3. The respondent has strongly resisted this application by contending that the applicant belongs to O.B.C. category. He has never applied in O.B.C. category and therefore, shifting of applicant in O.B.C. category is totally impermissible. Moreover, by placing reliance on clause No. 4.12, it is submitted that the indication was quite clear that irrespective of the category, the candidate was directed to mention correct information in the application form. If the applicant would have

disclosed / claimed through other reservation i.e. O.B.C. category, then it would have been considered.

4. It is not in dispute that the applicant belongs to O.B.C. category. However, he did not apply in said category. Though, it is submitted that there is no post of O.B.C - Anshkalin category, however, Anshkalin category is a sort of horizontal reservation which cannot be bifurcated. The applicant cannot seek shifting of his category without applying from O.B.C category. In the circumstance, we see no merit in the petition, hence **dismissed**. Needless to say, that the respondent authority shall process further in accordance with law.

Member (A)

Member (I)

kds.