

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**  
**NAGPUR BENCH, NAGPUR**

**ORIGINAL APPLICATION NO. 264/2024 (D.B.)**

Heera D/o Parmanand Nagdev,  
Aged 39 yrs. Occupation: Nil,  
R/o Behind Sakhkhar Dharmashala,  
Rajendra Ward, Matatoli,  
Gondia - 441601.

....**Applicant**

**Versus**

- 1) State of Maharashtra,  
Through its Principal Secretary,  
Public Health Department, 10th floor,  
G.T, Hospital Complex Building,  
New Mantralaya, Fort Mumbai-01.
- 2) Commissioner of Public Health,  
Aryogya Bhawan, St. Georges  
Hospital Compound, C.S.T.,  
Mumbai-01.
- 3) Deputy Director of Health Services,  
Nagpur Region, Mata Kacheri  
Compound, Sraddhanand Peth,  
Nagpur-440022.

...**Respondents**

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**Shri. N.D.Thombre, Advocate for the Applicant.**

**Shri V.A. Kulkarni, 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 :- 03.05.2025.**

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**Per- Member (J)**

**JUDGEMENT**

Heard finally with the consent of both learned counsel.

2. By this original application the applicant is seeking to quash and set aside the impugned order dated 07/03/2024 whereby respondent no. 3 has cancelled the applicants selection for the post of X-ray Scientific Officer, Group – C at Nagpur Division.

3. In response to the advertisement issued by the respondent no. 2 for technical and non-technical posts, the applicant fulfilling the criteria for the post of X-ray Scientific Officer has applied and cleared the written examination. The applicant was called for personal interview and her name appeared in the list of selected candidates for the said post. However, vide impugned communication dated 07/07/2024 respondent no.3 has informed that on verification of documents it was found that the applicant has completed internship from

01/06/2023 to 31/12/2023 meaning thereby she has not completed internship till last date of submission of application i.e. till 18/09/2023 and therefore her selection was cancelled.

4. The learned counsel for the applicant strenuously argued that the applicant meets all the eligibility criteria as per advertisement. She has completed graduation with Bachelor of Science in Physics and Chemistry as well as obtained master's degree. She has also completed advance diploma in X-ray Radiography and the certificate was issued on 22/02/2023 by the Maharashtra State Board of Technical Education. The applicant would submit that the impugned communication is totally erroneous as there was no such a condition to complete the internship before obtaining Diploma in Radiography. The applicant's learned counsel also took us through the relevant recruitment rules which do not specify the condition of completing internship on or before the last date of advertisement.

5. The state resisted the application by filing reply affidavit. It is contended that as per requirement the applicant must have completed internship on or before last date of advertisement which she did not. The applicant's internship

certificate is for the period on 01/06/2023 to 31/12/2023 and thus it was not complete on the last date i.e. 18.09.2023, therefore she is not having qualifying diploma with said principal contention application is prayed to be rejected.

6. So far as registration with the counsel is concerned, it is not disputed that registration can be done within six months from the date of appointment. By the time the applicant has also registered her name with the Counsel. As per advertisement for filling up total 34 X-ray Scientific officers post in Nagpur division the chart of educational qualification details at Sr. No. 6 clearly state the requirements as below.

6.	<p>क्ष-किरण तंत्रज्ञ / क्षकिरण-वैज्ञानिक अधिकारी (X-Ray Technician/X-Ray Scientific Officer) Pay Matrix -S-13 : 35400 - 112400</p>	<p><i>Possess a degree of Bachelor of Paramedical Technology in Radiography or Bachelor of Science in Paramedical Technology in Radiography; or Possess a degree of Bachelor of Science with Physics, and Chemistry or Biology; and a Diploma or Certificate in Radiography.</i></p>
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7. We have gone through the recruitment rules (publish on 29<sup>th</sup> December, 2020) wherein also the educational

requirement is as per clause 6 of the advertisement. Through the State strenuously argued that completion of internship on the last date of advertisement is essential condition, however, we do not find support either from the recruitment rule or the advertisement. It is not in dispute that applicant has completed graduation i.e. Bachelor of Science with Physics and Chemistry or Biology as well as she has obtained master's degree in microbiology. The applicant has produced certificate of completing advance diploma in X-ray Radiography. Undisputedly she has acquired diploma on the date of advertisement. Though she has completed the training however that was not the requirement for advertisement and thus rejection on said count is erroneous and unsustainable in the eyes of law. In the circumstance following order.

### **ORDER**

1. Application is **allowed**.
2. We hereby quash and set aside the impugned communication dated 07/09/2024 whereby applicant's appointment for the post of X-ray Scientific officer Group - C was cancelled.

3. We direct the respondent to appoint the applicant on the said post with deemed date at par with other similarly situated appointees.
4. The said exercise shall be complied within three months from the date of uploading of this order.
5. Hence the application stand disposed of in above terms.

**Member (A)**

kds.

**Date: 03/05/2025.**

**Member (J)**

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

Name of Steno : Krushna Dilip Singadkar

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

Judgment signed on : 03/05/2025