

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.**

ORIGINAL APPLICATION NO. 787 OF 2019

DIST. : JALGAON

Shri Laxman Pandurang Huse,

Age. 27 years, Occu. Nil,

R/o: Yeshantnagar, Ambad,

Jalgaon, Tq. & Dist. Jalgaon

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APPLICANT

V E R S U S

1. The State of Maharashtra,

Through its Secretary,
Finance Department,
Mantralaya, Mumbai-32.

2. The Director (Account)

Treasury Department, Port Trust,
Port House Takarsi(H), 3rd Floor,
Shivraji Wallabdas Road,
Belard (East) Mumbai 400 001.

3. Joint Director (Accounts & Treasury),

Kokan Division, Kokan Bhavan,
506 5th Floor, CB Delapur,
New Mumbai 400 614

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RESPONDENTS

APPEARANCE :- Shri Sandeep N. Lute, learned counsel
for the applicant.

: V.G. Pingle, learned Presenting Officer for
the respondent authorities.

CORAM : Hon'ble Justice V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 05.12.2024

ORAL ORDER

[Per : Shri Vinay Kargaonkar, Member (J)]

1. Heard Shri Sandeep N. Lute, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for respondent authorities.

2. By this Original Application the applicant is challenging the communication-cum-order dated 21-08-2019 issued by Respondent No. 3, whereby his selection for the post of Accounts Clerk under the Sports category was cancelled.

3. Pleadings and arguments by the Applicant

(i) Respondent No. 2 issued an advertisement dated 08-01-2019 inviting applications for various posts, including Accounts Clerk under the Sports category. The eligibility criteria specified in the advertisement included:

(a) A minimum of 55% marks in the SSC examination.

(b) Possession of an MS-CIT certificate, as per the Government Resolution dated 19-03-2003.

(ii) The applicant asserts that he submitted his application, expressing his preference for the Kokan Division, and appeared for the examination conducted on 06-03-2019. Upon clearing the examination, the applicant was called for document verification on 24-07-2019, during which he submitted all requisite documents.

(iii) The applicant contends that Respondent No. 3, vide communication dated 21.08.2019, disqualified him from selection on the following grounds:

(a) His SSC marks were below the prescribed 55% threshold.

(b) He failed to produce an MS-CIT certificate at the time of verification.

(iv) The applicant refutes these grounds of disqualification on the following basis:

(a) He passed the SSC examination in two attempts, securing 57% marks when marks in both attempts are considered. He submits that there is no requirement in the advertisement mandating that 55% marks must be obtained in a single attempt.

(b) Regarding the MS-CIT certificate, he relies on the Government Resolution dated 19-03-2003, which stipulates that the certificate can be acquired within two years of appointment and is not an essential prerequisite for selection.

(v) The applicant further asserts that Government Resolutions dated 04.02.2013 and 08.01.2018, cited in the advertisement, are not applicable to his case, as they do not mandate possession of an MS-CIT certificate prior to appointment.

(vi) The applicant claims that the cancellation of his selection is arbitrary, illegal, and contrary to the principles of fairness. He prays for the following reliefs:

(a) Quashing and setting aside the communication dated 21.08.2019.

(b) A direction to Respondent No. 3 to declare him eligible and issue an appointment order in accordance with the advertisement.

4. Pleadings and arguments of the Respondents

(i) The respondents oppose the application and submit that the applicant does not meet the eligibility criteria prescribed in the advertisement and the Recruitment Rules dated 02.12.2008. Their submissions, in brief, are as follows:

1. The advertisement explicitly mandated that candidates must possess:

(a) A minimum of 55% marks in the SSC examination.

(b) An MS-CIT certificate or an equivalent computer qualification at the time of application.

2. The respondents state that the applicant passed the SSC examination in October 2008 in his second attempt under exemption and secured a "Pass Class" grade, which is below 55%. Further, the MS-CIT certificate was not submitted during document verification.

3. The respondents rely on the Recruitment Rules and Government Resolutions issued by the Finance Department, asserting that:

(a) The qualifications were designed to ensure efficiency in the computerized operations of District and Sub-Treasuries.

(b) Relaxation of these criteria would adversely affect the functioning of the Treasuries.

4. Respondents submitted that the Government Resolutions dated 04.02.2013 and 08.01.2018, mentioned in the advertisement, provide clarity on equivalent qualifications for MS-CIT. These resolutions were correctly applied to assess the applicant's eligibility.

5. The respondents further contend that the cancellation of the applicant's selection was valid and in strict adherence to the prescribed rules and criteria. The applicant's inability to fulfill the requisite qualifications renders him ineligible for appointment.

6. The respondents pray for the dismissal of the application as the applicant is not entitled to any appointment or benefit under law.

7. In view of the above, the respondents assert that the application is devoid of merit and deserves to be dismissed with costs.

5. Reasoning and Conclusions:

(i) Applicant's appointment has been cancelled on two grounds. Firstly applicant doesn't qualify in the

educational qualification criterion i. e. he has secured less than 55% marks in the SSC examination. Secondly Applicant did not submit MS-CIT certificate during the time of document verification.

Eligibility Criteria for SSC Marks

The primary contention of the applicant is that he has secured 57% marks in the SSC examination by aggregating the marks obtained in the supplementary examination conducted in October with those secured in examination conducted in March of the same year. This assertion, however, is not tenable under the rules governing the calculation of percentages and class of the candidate for the SSC examination.

(ii) Guidelines of Maharashtra State Board of Secondary and Higher Secondary Education for deciding the percentage or class of a candidate are reproduced below:-

Grades of Certificate			
Grade I with Distinction	Grade-I	Grade-II	Grade Pass
75% and above	60% and above but below 75%	45% and above but below 60%	All other successful candidates (Including the exempted)

(iii) As per the guidelines issued by the Maharashtra State Board of Secondary and Higher Secondary Education, the percentage or class of a candidate is determined based on marks secured in a single

examination attempt. This means that all subjects must be passed in one sitting for the marks to be aggregated and classified as per the grading system.

(iv) The applicant failed in one subject in the March examination and subsequently cleared that subject in October. While this qualifies him as a pass candidate, his marks in the supplementary examination cannot be added to the marks secured in March to claim a percentage above 55%. The rules make it clear that candidates who pass the SSC examination in supplementary attempts are awarded a "Pass Class" grade without a specific percentage, as they do not meet the criteria for classification into First, Second, or Distinction categories.

6. Reasoning Behind One-Attempt Rule

(i) The rationale behind requiring candidates to pass all subjects in one attempt for calculating percentages or awarding grades is rooted in the need for academic consistency and reliability in evaluating a candidate's scholastic ability. Passing all subjects in one attempt reflects a candidate's comprehensive preparedness and aptitude, which are considered critical for positions requiring specific educational qualifications.

(ii) Allowing aggregation of marks from separate attempts would not only dilute the standards set by the recruitment process but also create inconsistencies in the evaluation criteria. The recruitment advertisement clearly stipulates a minimum of 55% marks in the SSC examination as a basic qualification for the post of

Accounts Clerk. By failing to secure this percentage in one attempt, the applicant does not fulfill the eligibility requirement, regardless of the total marks he may have obtained through subsequent attempts.

7. Non-Submission of MS-CIT Certificate

(i) The second ground for disqualifying the applicant pertains to his failure to submit the MS-CIT certificate at the time of document verification, as explicitly required by the advertisement. While the applicant has relied upon the Government Resolution (G.R.) dated March 19, 2003, which allows a two-year period post-appointment for obtaining the MS-CIT qualification, we find this argument untenable in the context of the present recruitment process.

(ii) The advertisement issued by the respondents clearly stipulated that possession of the MS-CIT certificate or an equivalent qualification was an essential eligibility criterion, to be fulfilled at the time of application and document verification. This requirement is consistent with the recruitment policy established under the Recruitment Rules dated 02-12-2008, which emphasize that computer proficiency is indispensable for the effective functioning of Accounts Clerks.

(iii) The provision in the G.R. dated March 19, 2003, cited by the applicant, is discretionary and applies only where the advertisement does not explicitly mandate the submission of the MS-CIT certificate at the time of filling the application form. In this case, however, the advertisement unequivocally required candidates to demonstrate computer proficiency by producing the requisite certificate during the verification process. This stipulation overrides the concession provided under the G.R.,

as recruitment is governed by the terms of the specific advertisement.

(iv) The applicant's submission of an MS-CIT course fee receipt dated 15-07-2019 cannot substitute for the certificate itself, as it merely reflects intent rather than compliance with the prescribed qualifications. Permitting such leniency would compromise the integrity of the recruitment process and prejudice other candidates who adhered to the requirements.

(v) In light of the above, the applicant's failure to produce the MS-CIT certificate at the time of document verification renders him ineligible for the post. The disqualification on this ground is, therefore, justified, lawful, and in strict conformity with the terms of the advertisement and applicable recruitment rules.

8. Application of Rules to the Present Case

(i) The respondents have acted in strict compliance with the provisions mentioned in the advertisement. The applicant's SSC certificate categorically states that he cleared the examination in a supplementary attempt, and his grade is recorded as "Pass Class." The Board's guidelines further clarify that candidates passing through supplementary examinations are not entitled to a percentage calculation or classification into higher grades.

(ii) The applicant's argument that the advertisement did not specifically prohibit aggregation of marks is also without merit. The absence of such a provision does not imply that it is permitted, especially when the rules

governing the examination and classification explicitly disallow such aggregation.

(iii) Also the applicant's failure to produce the MS-CIT certificate at the time of document verification renders him ineligible for the post.

9. Conclusion

(i) In view of the above discussion we conclude that the applicant does not meet the eligibility criteria for the post of Accounts Clerk as prescribed in the advertisement. The cancellation of his selection by the respondents is valid and cannot be faulted.

(ii) Accordingly, the Original Application stands dismissed. No order as to cost.

MEMBER (A)

MEMBER (J)

Place : Aurangabad

Date : 05.12.2024