

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.80/2024

DISTRICT :- AHMEDNAGAR

Vishal s/o. Ashok Dhole,
Age : 30 years, Occ. Educated Unemployed,
R/o. At Post Sakegaon, Tq. Pathardi
Ahmednagar-414102.

...APPLICANT

V E R S U S

1. The State of Maharashtra,
Through Principal Secretary,
Agriculture & ADF Department,
Mantralaya, Mumbai – 400 032.
2. The Maharashtra Public Service Commission,
Through its Secretary,
Trishul Gold Field, Plot No.34,
Opp. Sarovar Vihar, Sector 11, CBD,
Belapur, New Mumbai-400 614. **...RESPONDENTS**

APPEARANCE : Shri Vishal Ashok Dhole,
Applicant – Party in Person.
: Shri V.G.Pingle, Presenting Officer
for respondents.

**CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN
AND
SHRI VINAY KARGAONKAR, MEMBER (A)**

Date : 25-06-2024

O R A L O R D E R

1. Heard Shri Vishal Ashok Dhole, Applicant –
Party in Person and Shri V.G.Pingle, learned Presenting
Officer for the respondent authorities.

2. Applicant participated in the selection process carried out by the Maharashtra Public Service Commission (MPSC) for filling in 203 posts of Maharashtra Gazetted Agriculture Technical Services 2021. The applicant was recommended by respondent no.2, MPSC from the quota meant for Divyang Category candidates. In spite of recommendation by MPSC, respondent no.1 did not allow the applicant to resume the duties and declined to issue him order of appointment stating that, disability possessed by the applicant was of temporary nature.

3. As is revealing from the affidavit in reply filed on behalf of respondent no.1, the matter was referred to Sir J.J.Hospital, Mumbai for opinion. We deem it appropriate to reproduce hereinbelow the exact said portion in paragraph 6 of the affidavit in reply filed on behalf of respondent no.1 (paper book page 45-46 of O.A.):

“06. I say and submit that, after document verification, the case of the applicant is referred to the General Administration Department and Disability Welfare Department for their remarks on whether the candidate holding temporary disability certificate can be given appointment or not. Both the General Administration Department and Disability Welfare Department informed the

respondent no.1 that the candidate having temporary disability certificate cannot be given the appointment. In this regard the additional remarks has been called from Superintendent, Sir J.J.Hospital, Mumbai vide Government letter dated 18/01/2024 whether applicant Mr. Vishal Dhole is liable for appointment on the basis of his temporary Disability certificate. The said remarks is till awaited.

I further say and submit that, in this regard the circular of General Administration Department of Government of Maharashtra dated 13.09.2022 clearly points out that a person holding a temporary disability certificate cannot be appointed in the Government Service. Further, as per Government resolution dated 29.05.2019 of General Administration Department of Government of Maharashtra there is a provision that the Appointing Authority reserves the right to inspect/re-examine the certificate of the disabled person during the selection process or during the appointment. The copy of Circular dated 13.09.2022 is annexed hereto and marked as ANNEXURE R-2 for kind perusal of this Hon'ble Tribunal."

4. Accordingly, the Medical Board of J.J.Hospital has re-examined the case of the applicant and issued report in that regard which the learned P.O. has placed on record. On making a specific query to the learned P.O. whether it is

the same report which was required as contended in paragraph 6 of the affidavit in reply of respondent no.1, learned P.O. stated that, it is the report which was awaited and now that has been filed on record. In the said certificate, the Medical Board has recorded an unambiguous opinion that the applicant is eligible for disability quota. In view of the certificate as has been issued by the Medical Board of the J.J.Hospital there remains no impediment for the appointment of the applicant.

5. In the above fact situation, Respondent no.1 is directed to issue order of appointment in favour of the applicant as recommended by respondent no.2 vide its letter dated 21-07-2023 on the post of Deputy Director, Agriculture (Group-A), if applicant is otherwise satisfying the requirements as enumerated in clause 2 of the letter dated 21-07-2023, within 6 weeks from the date of this order.

(VINAY KARGAONKAR)
MEMBER (A)

(P.R.BORA)
VICE CHAIRMAN

Place : Aurangabad
Date : 25-06-2024.