

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No.316 of 2015 (D.B.)**

Shri Jivan S/o Shankar Keram,
Aged about 49 years, Occ. Service,
R/o ITI, Wani, Tah. Wani, Distt. Yavatmal.

Applicant.**Versus**

- 1) The State of Maharashtra,
Through its Secretary,
Higher and Technical Education Department,
Mantralaya, Mumbai – 400032.
- 2) The Director,
Industrial Education and Training (Vocational),
Directorate, Mumbai.
- 3) The Joint Director,
Industrial Education and Training (Vocational),
Regional Office, Morshi Road, Amravati-444603.
- 4) The Principal,
Industrial Training Institute,
Tah. Wani, Distt. Yavatmal.

Respondents.

**S/Shri Pratik J. Mehta, Akash S. Tiwari, Advs. for the applicant.
Shri S.A. Sainis, learned P.O. for respondents.**

**Coram :- Hon'ble Shri Justice M.G. Giratkar, Vice Chairman and
Hon'ble Shri Nitin Gadre, Member (A).**

Dated :- 28/08/2024.

J U D G M E N T

Heard Shri P.J. Mehta, learned counsel for the applicant and
Shri S.A. Sainis, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was initially appointed as Craft Instructor on 16/03/2000. Respondent no.3 regularized the services of the applicant on the said post w.e.f. 13/12/1999 as per order dated 09/05/2000. Before appointment on the said post, the applicant was qualified for the said post. The applicant belongs to S.T. The applicant is having Caste Validity Certificate issued by the Caste Scrutiny Committee, Amravati. The applicant is entitled to get promotion in S.T. category, but the respondents have not considered the claim of applicant. Therefore, the applicant approached to this Tribunal for the following reliefs –

“ (7) (i) Direct the Respondents to promote the Applicant from the post of Craft Instructor to the vacant post of Group Instructor, being the person entitled as per the seniority cum merit, from the Schedule Tribe Category.

(ii) Hold and declare that the Applicant is entitled for promotion as per the seniority cum merit w. e. f. coming into effect the Government Resolution dated 25/05/2002, thereby granting deem date of promotion to the Applicant from the said date.

(iii) Grant all the other consequential benefits arising therefrom.”

3. The respondents have filed reply. In para-2 of the reply, the respondents have submitted that presently the applicant is eligible for promotion, but no post of promotional cadre is vacant in S.T. category and as and when the post becomes vacant, he will be promoted as per seniority. Para-2 of the reply is reproduced below –

“(2) The brief history of the applicant service tenure is as follows:-

1) Applicant Shri. Keram is Scheduled Tribe category candidate appointed on the post of Craft instructor on dtd. 16.3.2000.

2) Vide Govt. Notification dt.27/5/2002 Govt. had directed to various Govt. Departments to verify the caste of S.T. candidates and remove them from service.

3) However vide G.R. dtd. 15.6.1995, the faulty candidate who were appointed before year 1995 have got protection in service.

4) In the Year 2006, review of posts in the department has been taken vide G.R. 30.9.2006 and many posts of G.I. are abolished. {Annexure-A8/pg.55}.

5) Presently the applicant is eligible for the promotion but no post in Promotional cadre is vacant in S.T. category. As and when the post become vacant, he will be promoted as per seniority.”

4. During the course of submission, the learned P.O. has pointed that after filing of this reply, the Hon’ble Supreme Court in the year 2017 has given direction that there shall not be any reservation in promotion. Hence, the applicant cannot claim reservation in S.T. category.

5. On the last date, we had pointed out the learned counsel for the applicant about the Judgment of the Hon’ble Supreme Court. Nothing is placed on record to show that the applicant is entitled to claim reservation on the basis of his caste, i.e., S.T. category. In view of the direction of the Hon’ble Supreme Court, the applicant cannot claim

reservation in S.T. category for promotion. Hence, we pass the following order –

ORDER

(i) The O.A. is dismissed.

(ii) No order as to costs.

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

**(Justice M.G.Giratkar)
Vice Chairman.**

Dated :- 28/08/2024.

dnk.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman and Member (A).

Judgment signed on : 28/08/2024.