

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO.601/2018 (D.B.)

Rajesh S/o Vishwanathrao Ther,
Aged about 38 years, Occ. Private,
R/o. Near Nagar Parishad School No.3, Salipura,
Karanja, Tq. Karanja (Lad), District - Washim.

...**APPLICANT**

// V E R S U S //

- 1] The State of Maharashtra,
Through it Secretary,
Public Health Department,
Mantralaya, Mumbai - 32.
- 2] The Joint Director of Health Services,
Arogya Bhavan Opposite Vishrantwadi
Police Station, Yerawada, Pune-411 006.
- 3] The District Malaria Officer,
Pradeshik Arogya Bhawan,
Near District Women Hospital,
Akola, District- Akola.

... **RESPONDENTS**

Shri T.U. Tathod, Advocate for the Applicant.

Shri M.I. Khan, learned P.O. for Respondents.

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

Dated :- 16/12/2024.

J U D G M E N T

Heard Shri T.U. Tathod, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

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

The respondents have issued an advertisement dated 21/01/2016. The applicant was working as a Seasonal Worker for about 30 days. The applicant was not at fault because work was not provided by the respondents, therefore, applicant prayed to direct the respondents to appoint him as a Multipurpose Health Worker.

3. The O.A. is strongly opposed by the respondents. It is submitted that, as per the conditions mentioned in the advertisement, the applicant should have completed 90 days work as a Seasonal Health Worker. The applicant is not having experience of 90 days Seasonal Spraying Worker. Therefore, he cannot claim that he should be appointed on the post of Multipurpose Health Worker. Hence, O.A. is liable to be dismissed.

4. Perused the advertisement dated 21/01/2016. As per the advertisement dated 21/01/2016, the applicant should have completed 90 days of Seasonal Spraying Work under the National Malaria Control Board. The applicant has completed only 30 days Spraying Work. Applicant obtained information under the Right to Information (RTI) Act. The said information was supplied by the District Malaria Officer on 08/08/2017. As per this information, work was not available, therefore, work was not given to the applicant since 2006-2007.

5. There is no dispute that applicant was not having experience of 90 days as a Seasonal Spraying Work. Learned P.O. has pointed out the Judgment of this Tribunal in O.A. No.257/2018 with connected O.As. This Tribunal has not granted any relief to the applicant on the ground that they have not completed 90 days experience of Seasonal Spraying Work. In the said O.As., the advertisement dated 21/01/2016 was challenged. All the O.As. came to be dismissed on 21/01/2021.

6. In the present O.A., the applicant was not eligible for appointment on the post of Multi Purpose Health Worker because the applicant had not completed 90 days of Spraying Work as per the conditions laid down in the advertisement. Hence, the applicant is not entitled for the relief prayed in this O.A. Therefore, we proceed to pass the following order:-

O R D E R

- (i) The O.A. is dismissed.
- (ii) No order as to costs.

(Nitin Gadre)
Member (A).

(Justice M.G.Giratkar)
Vice Chairman.

Dated :-16/12/2024.

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
& Member (A).

Judgment signed on : 16/12/2024.

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