

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO.1586 OF 2024

Sachin Vilas Pisal,)
Resident of Rui Limba, Post Murshadpur,)
Taluka and District Beed 414 205) **...Applicant**

Versus

1. The State of Maharashtra)
Through its Secretary,)
Public Health Department,)
G.T. Hospital, B Wing,)
10th Floor, Complex Building,)
New Mantralaya, Mumbai 32)
2. The Commissioner,)
Directorate of Health Services,)
8th floor, Arogya Bhavan,)
St. George's Hospital Compound,)
P.D. Mello Road, Mumbai 400 001)
3. The Director,)
Health Services, Pune Circle Office,)
2nd floor, New Central Building,)
Dr. Babasaheb Ambedkar Road,)
Pune 411 001)
4. The Deputy Director,)
Health Services, Pune Circle Office,)
New Administrative Building,)
3rd floor, Room No.301, Infront of)
Council Hall, Pune 411 001) **....Respondents.**

Mr. V.S. Kadam, learned Counsel for the Applicant (through video conference).

Ms. Archana B.K., learned Presenting Officer for the Respondents

CORAM : **Justice Mridula Bhatkar, Chairperson**
Mr. A.M. Kulkarni, Member (A)

DATE : **20.12.2024**

J U D G M E N T

1. In view of the relief claimed and facts heard finally.
2. Applicant prays that Respondents be directed to quash and set aside the disqualification of the Applicant for the post of Multipurpose Health Worker (Male) and direct the Respondents to reconsider the Applicant's candidature. Applicant further prays that Respondents be directed to issue the appointment order to the applicant for the said post, subject to the fulfillment of all other criteria.
3. Learned Counsel for the Applicant has submitted that Applicant has applied for the post of Multipurpose Health Worker (Male), under the Directorate of Health Services in Economically Weaker Section (EWS) category for the Advertisement dated 15.03.2023 issued by Respondent No.2. Applicant has submitted that due to the lack of personal resources and internet facilities in his remote village he filled the application form through Internet Café. He has submitted that the Internet Café Operator inadvertently entered the name of the college wrongly as, 'Ramling Vigne Kaushalya Vikas Sanstha, Anandgaon, Taluka Shirur Kasar, District Beed'. However, the Applicant had completed the course of Diploma in Sanitary Health Inspector from 'Bharat Sevak Samaj Raj Chhatrapati Institute of Paramedical and Nursing College, Aurangabad'. Learned Counsel has submitted that the 'Bharat Sevak Samaj Raj Chhatrapati Institute of Paramedical and Nursing College, Aurangabad' is a Government approved College. Learned Counsel has submitted that Applicant was negligent to the effect of not checking the application form again.
4. Learned Counsel for the Applicant has submitted that document verification was done on 15.06.2024, however, Applicant did not receive any communication from the Respondents. Thus, applicant was waiting for positive reply and appointment order. However, in view that

he did not receive appointment order therefore on 08.12.2024 he went to the office of Respondent No.4, The Deputy Director, Health Services, Pune Circle Office wherein copy of letter dated 16.08.2024 was handed over to him. In the said letter he was declared ineligible because of variance in the name of Institute.

5. Learned Counsel has submitted that though Respondent claim that the Applicant was communicated about his mistake by letter dated 16.08.2024 through regular post, the same was not received by the Applicant. Learned Counsel has submitted that applicant was not aware of fact that his name was removed from the waiting list and hence he was waiting for the appointment letter from the Department. Learned Counsel has submitted that Applicant is a meritorious candidate who has secured 122 marks, out of 200 marks and his name appeared at Serial No.1 in the waiting list and hence his candidature is to be accepted. Learned Counsel has submitted that the applicant was not given opportunity to rectify the error.

6. Learned P.O. has submitted that the arguments made by learned Counsel regarding opportunity to be given for rectify of error, it is to be noted that in the Advertisement issued by M.P.S.C it is specifically mentioned that no error can be rectified.

7. It is admitted fact that the Applicant is otherwise eligible so far as his educational qualification is concerned. However, he filed the application on 22.09.2023 and then he did not realize his mistake that name of the institute was wrongly filled as 'Ramling Vigne Kaushalya Vikas Sanstha, Anandgaon, Taluka Shirur Kasar, District Beed' instead of 'Bharat Sevak Samaj Raj Chhatrapati Institute of Paramedical and Nursing College, Aurangabad'. The said mistake was committed by the Internet Café Operator. However, the applicant did not bother to get the printout of the said application form. Further, there is inordinate delay in filing this O.A. before the Tribunal. Moreover, it is submitted by learned Counsel that the Applicant came to know about the reason

for elimination from the process on the ground that wrong name of his institute is mentioned in the application form. However, these submissions cannot be accepted as on 07.11.2024 i.e. month before he has applied to the office of Deputy Director, Pune regarding informing this mistake in his application form and thus he is not given opportunity to correct it. Further no documentary evidence is placed before us by the Applicant showing that he had approached immediately after filling up the application form. Hence, stand taken by the applicant that he released his mistake only on 08.12.2024 is not correct. Under such circumstances, though it is fact that applicant is from remote place i.e. 'Rui Limba, Post Murshadpur'. Taluka and Post Beed, still the Cyber Café facility was available in the said village. Now, learned Counsel has argued that he has approached the owner of Cyber Café about the mistake. The said person from Cyber Café thereafter went to the office of Respondent No.4, but he was not entertained. Unfortunately, no affidavit to that extent regarding Cyber Café Operator is filed on record. Moreover, it was the duty of the applicant to go along with the Cyber Café Operator, if at all, he had visited the office of Respondent No.4 to place request to allow him to correct the application form. Nothing is produced in writing showing genuine efforts taken by the applicant for correction of the name of his college mentioning in the said application form. We cannot accept the words as evidence to justify the inordinate delay of one year for correction of mistake in the application form. Thus, on the ground of negligence, so also suppression of facts as to when he came to know about his mistake, we do not find good ground to grant relief.

8. In view of above, O.A. stands rejected summarily.

Sd/-
(A.M. Kulkarni)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

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