

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**ORIGINAL APPLICATION NO 954 OF 2024
(Through Video Conference)**

DISTRICT : AHMEDNAGAR

Shri Vishal B. Zite)
R/at : Post Shedgaon, Tal-Shirgonda)
Dist-Ahmednagar 413 701.)...**Applicant**

Versus

1. The State of Maharashtra)
Through Principal Secretary,)
Public Health Department,)
Mantralaya,)
Mumbai 400 032.)
2. The Secretary,)
M.P.S.C,)
Cooperage Telephone Exchange)
M.K Road, Cooperage,)
Mumbai 400 021.)
3. The Director,)
Health Department [Services],)
St. Georges Hospital,)
Mumbai.)...**Respondents**

Smt Punam Mahajan, learned advocate for the Applicant.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)

Shri Debashish Chakrabarty (Member) (A)**DATE : 05.08.2024****PER : Justice Mridula Bhatkar (Chairperson)****J U D G M E N T**

1. Learned counsel for the Applicant seeks interim relief by staying the operation of the impugned list dated 30.7.2024 and direct the Respondent No. 2 to provisionally include the Applicant in the list of eligible candidates for interview for the post of Statistical Officer, General State Service, Group-B, Public Health Department.

2. Learned counsel submits that the Applicant applied for the post of Statistical Officer, Group-B, pursuant to the advertisement No. 022/2022 dated 19.3.2022. The applicant is holding educational qualification in M. Sc (Applied Statistics and Informatics). Learned counsel submits that the Respondent No. 2 has held Applicant ineligible as the Applicant is not holding the requisite educational qualification as per the Recruitment rules and by way of interim relief prays that he be allowed to appear for the interview which is scheduled tomorrow, i.e., on 6.8.2024, subject to the outcome of the Original Application.

3. Learned counsel has submitted that the Applicant appeared for the Preliminary Examination and his name appeared in the list dated 25.4.2023 of eligible candidates for the post of Statistical Officer. Thereafter the Applicant cleared the Main Examination and his name again appeared in the list of eligible candidates, which was published on 10.10.2023. However, on 27.2.2024 he

was held ineligible as per the second revised list of qualified candidates. However, in the final list dated 31.7.2024, the name of the Applicant was not found and the list of ineligible candidates was published on 31.7.2024. The name of the Applicant appeared in the said list and reason given that he was not possessing the requisite educational qualification. Learned counsel has submitted that the Applicant is having the equivalent educational qualification. Learned counsel relied on the letter sent by the University Grants Commission on 30.3.2013 by one Dev Swarup, Joint Secretary, U.G.C to the Under Secretary, Finance Division-III, U.G.C, New Delhi. She submitted that on basis of that letter, the Vice-Chancellor, Dr V.N Shinde, by his letter dated 2.8.2024, addressed to the Joint Director, Public Health Department, Pune, that the educational qualification of three candidates including the Applicant Shri V.B Zite, holding educational qualification of M. Sc (Applied Statistics and Informatics) which is equivalent to M. Sc Statistics. This Syllabus is started from 2013-14 and it was accepted and approved by the Shivaji University and has given approval that M. Sc (Applied Statistics and Informatics) is equivalent to M. Sc. Statistics, Biometry, Econometrics or Mathematical Economics. Learned counsel has submitted that on the basis of these two letters and also the Certificate issued by the Registrar, Shivaji University on 15.4.2015, submits that it is equivalent Certificate issued by the Registrar, Kolhapur, which is to be considered valid.

5. Learned P.O relied on the Recruitment Rules dated 9.8.1990 for the post of Statistical Officer, General State Service, Group-B, Public Health Department. Learned P.O submitted that in the Recruitment Rules no equivalence is mentioned and therefore the Certificate of equivalence given by the Vice Chancellor or Registrar is of no use.

6. We reproduce the relevant portion of the said Rules below:-

“3. Appointment to the post of Statistician, Health Statistical Officer and Research Officer in the General State Services, Class-II in the Directorate shall be made either.....

- (c) by nomination from amongst the candidates who:-
 - (i) Unless already in the service of the Government are not more than thirty years of age;
 - (ii) Possess:-
 - (a) Master's degree in Statistics, Biometry, Econometrics or Mathematical Economics or
 - (b) Master's degree in Mathematics or Economics with atleast two papers on Statistics, Econometrics or Mathematical Econometrics
 - (c) Master's degree in Mathematics or Economics with post-graduate diploma in Statistical Institute or Indian Agriculture Statistics Research Institute or of any other Institute recognized by the Government.”

7. The interim relief is prayed for urgently as the interview for the said post is kept tomorrow and interview is going to be conducted for only one day. The Applicant has earlier cleared two examinations, i.e., Preliminary and Main Examination and his name was appearing in the list of eligible candidates. However, in the final list his name was deleted on the ground that he was not possessing the requisite educational qualification.

8. We have gone through the Recruitment Rules dated 9.8.1990 and the examination conducted for the said post by M.P.S.C. The candidates who are eligible for the said post of Statistical Officer, General State Service, Group-B, Public Health Department, as per rules who hold the educational qualification of M. Sc Statistics.

Admittedly, the applicant is not holding the educational qualification of M. Sc Statistics, but M. Sc (Applied Statistics and Informatics). In the Recruitment Rules no word 'or equivalence' is mentioned. In the absence of the said word 'or equivalence', it is not permitted under the law to consider any other educational qualification which may be treated as equivalent by any educational authority or the Government, unless the rules permit that equivalence can be considered. We cannot accept any equivalent qualification as the requisite educational qualification mentioned in the Recruitment Rules.

9. We do not find merit in the case to grant interim relief. Accordingly, the prayer for interim relief is rejected. In view of the relief prayed in the Original Application, as the prayer for interim relief is rejected, nothing remains in the Original Application and the same also stands dismissed.

Sd/-
(Debashish Chakrabarty)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 05.08.2024
Dictation taken by : A.K. Nair.