IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION 104 OF 2016

DISTRICT : PARBHANI

Shri Santosh P. More)
Occ : Private Job,)
R/o: Madhav Niwas, Hutatma)
Smarak, Tal : Jintur, Dist-Parbhani.)...**Applicant**

Versus

1. The State of Maharashtra)
   Through its Secretary,)
   Technical Education Department)
   Mantralaya, Mumbai 400 032.)
   [copy to be served on C.P.O.,)
   M.A.T., Mumbai.])
2. The Director of Technical Education,)
   Mahapalika Marg, Mumbai 400 001)
   Maharashtra.)

3. The Joint Director,)
Technical Education, Regional Office)
412-E, Shivaji Nagar, Pune 411 016.)...**Respondents**

Shri P.V Suryawanshi, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)
Shri R.B. Malik (Member) (J)

DATE : 29.06.2016

PER : Shri Rajiv Agarwal (Vice-Chairman)

O R D E R

1. Heard Shri P.V Suryawanshi, learned advocate for the Applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant challenging the order dated 26.5.2015 passed by the Respondent no. 3, rejecting his selection to the post of 'Blacksmith'.

3. Learned Counsel for the Applicant argued that Respondent no. 3 issued an advertisement on 31.12.2014, inter alia, to fill 5 posts of Blacksmiths. The Applicant also applied for the post. The qualification for the post was H.S.C pass and course in Government approved I.T.I, in the trade of 'blacksmith' or equivalent trade. The Applicant had passed the course in the trade of 'Welder', which is equivalent to the trade of 'Blacksmith'. The Joint Director of Technical Education, Aurangabad had treated course of 'Welder' as equivalent to the course of 'Blacksmith' and one Shri M.K Gumre was appointed as 'Blacksmith' in that office. Learned Counsel for the Applicant contended that the trade of Heat Treatment & Forger' declared as equivalent to the trade of Blacksmith is not taught in the State of Maharashtra and only the trade of 'Welder' is equivalent to the trade of 'Blacksmith'. The Applicant was informed by impugned communication dated 26.5.2015 by the Respondent no. 3 that his selection as Blacksmith is cancelled as his qualification in the trade of 'Welder' is not equivalent to that in the trade of Blacksmith. Learned Counsel for the Applicant contended that the Applicant made various representations dated 8.7.2015, 28.8.2015 and 29.12.2015, but to no avail. Learned Counsel for the Applicant stated that the course of Heat Treatment and Forger is discontinued in Maharashtra and alternate courses have to be considered for appointment to the post of Blacksmith.

4. Learned Presenting Officer (P.O) argued on behalf of the Respondents that the Applicant submitted false information in his online application form dated 11.3.2015 that he had passed I.T.I Course in the trade of 'Blacksmith' in January, 2004. He was allowed to appear in the selection process for the post of Blacksmith on that basis. However, it was found that he did not have qualification in the trade of 'Blacksmith', but in the trade of 'Welder'. He did not have requisite experience also. Learned Presenting Officer stated that four posts of Blacksmith, which were advertised have been filled by candidates, who have passed I.T.I course in Forging and Heat Treatment, which is recognized /renamed as course in Blacksmith.

5. The Applicant's case is mainly dependent on the argument that Joint Director of Technical Education, Aurangabad has appointed a person viz. Shri M.K Gumre as 'Blacksmith', though he has passed I.T.I course in 'Welding'. This according to the Applicant proves that the course of 'Welder' is treated as equivalent to course of Blacksmith or 'Forging & Heat Treatment'. The Applicant has placed a copy of provisional seniority list of technical posts in Regional Office, Aurangabad from 1.1.2013 to 1.1.2014. Name of Shri M.K Gumre is at Sr. No. 1 and his designation is shown as 'Blacksmith'. As regards his qualification, final seniority list of Class-IV employees who had passed S.S.C Examinations as on 1.1.2011 is

placed on record. Shri M.K Gumre is at Sr. No. 5 and he was appointed as 'Machine Attendant' (यंत्र-परिचर) and has qualification of I.T.I course 'Welder'. In the 'remarks' at the end, four groups are mentioned and Group 'A' incudes Blacksmith, Welder, Fitter etc. From these documents, one thing is clear that Shri Gumre was not appointed as Blacksmith but a 'Machine Attendant', a Class-IV post. Later, he apparently has been promoted to a Group 'C' [Class-III] post and has been placed in a group, which has persons having qualifications of I.T.I course in Blacksmith, Welding, Fitter etc. This does not support the contention of the Applicant that the Respondents have recognized Trade of Welder as equivalent to the trade of Blacksmith. The Respondent no. 2, has recognized 'Forger and Heat Treatment' as equivalent to 'Blacksmith' by his letter dated 7.10.2015 (Exhibit R-3, attached to affidavit in reply of the Respondents dated 17.3.2016). This is in accordance with the instructions of Ministry of Skill Development and Entrepreneurship reflected in letter dated 14.5.2015 (Exhibit R-2 on page 50 of the Paper Book). Considering all these facts, it is clear that the contention of the Applicant that the trade of 'Welder' is equivalent to that of 'Blacksmith' is difficult to accept. It is seen that the Respondents in their affidavit in reply dated 17.3.2016 in para 4 have stated that:-

"Copy of online application form filled by applicant dated 11.3.2015 is attached herewith and marked as Exhibit R-1. In the said application form, applicant filled that he has passed I.T.I Blacksmith trade in January, 2004 and also filled that he has experience in basic Blacksmith. Therefore he has been called for written test on 14.02.2015 and proficiency / practical test on 19.3.2105 and got selected due to wrong and false information."

A copy of application form of the Applicant is at Exhibit R-1 (page 48-49 of the Paper Book). In the column of Qualifying Examination, the applicant had stated that he had passed course in trade of Blacksmith. The contention of the Respondents that the Applicant was selected on the basis of false information furnished by him and on verification, he was found not having qualification in trade of 'Blacksmith' as claimed by him in his application form is correct. The Respondents have also claimed that the Applicant did not have requisite experience also. This has not been effectively denied by the Applicant.

6. It is clear that the Applicant had furnished false information in his application form to the Respondents and his selection was based on that information. He has not been able to establish that

qualification in trade of 'Welder' is recognized as equivalent to that of trade of 'Blacksmith'.

7. There is no case made out for interference with the impugned order dated 26.5.2015 passed by the Respondent no. 3. This Original Application is dismissed with no order as to costs.

Sd/-
(R.B. Malik)
Member (J)

Sd/-
(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai
Date : 27.06.2016
Dictation taken by : A.K. Nair.

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