

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
ORIGINAL APPLICATION NO.73 OF 2014**

**DISTRICT : THANE**

1. Shri Shiva P. Jawale , )  
(Deleted as per order dated 8.10.2015] )
2. Shri Hanuman R. Thakare, )
3. Shri Ganesh S. Kumawat, )
4. Shri Atul S. Sonawane, )
5. Shri Kalpesh D. Shinde, )
6. Shri Rahul D. Shirsath, )
7. Shri Ravindra P. Gayakwad, )
8. Shri Santosh R. Gaikwad, )
9. Shri Navneet N. Rathod, )
10. Shri Shyam G.Chinchmalatpure, )
11. Shri Mohan V. Sontakke, )
12. Shri Dayanand N. Lone, )  
All working as Warden in )  
Tribal Development Department, )  
C/o Smt. Punam Mahajan, Advocate, )  
M.A.T. Mumbai )..Applicants

Versus



1. The Secretary, )  
Tribal Development Department, )  
Mantralaya, Mumbai 400032 )
2. The Additional Commissioner, )  
Tribal Development, Thane )..Respondents

Smt. Punam Mahajan – Advocate for the Applicants

Miss Neelima Gohad – Presenting Officer for the Respondents

CORAM : Rajiv Agarwal, Vice-Chairman  
R.B. Malik, Member (J)  
DATE : 24<sup>th</sup> June, 2016  
PER : R.B. Malik, Member (J)

### **J U D G M E N T**

1. This OA initially brought by 12 applicants of whom the first applicant withdrew it on 8.10.2015 seeks quashing and setting aside of a Government Circular dated 18.10.2013 which is at Annexure A-8 at page 36 of the paper book and the real objection was to the eligibility of those holding the Post Graduate qualification having been allowed to compete for the post of Warden in Tribal Development Department for which the basic eligibility was graduation.

  
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2. We have perused the record and proceedings and heard Smt. Punam Mahajan, the learned Advocate for the Applicants and Miss Neelima Gohad, the learned Presenting Officer for the Respondents.

3. As already mentioned above the impugned Government Circular dated 18.10.2013 especially the portion which has aggrieved the applicants reads as follows:

ज्या उमेदवाराने सेवा प्रवेश नियमात विहित केलेल्या उपरोक्त विषयात पदवी धारण केलेली आहे ते उमेदवार सदर पदासाठी अर्ज करण्यास पात्र आहेत. तसेच ज्या पदासाठी किमान अर्हता त्या विशिष्ट विषयाची पदवी अशी निश्चित केलेली आहे त्या पदासाठी त्या विशिष्ट विषयातील पदव्युत्तर पदवीधारक आपोआपच पात्र राहतील.”

4. The case of the applicants is that the post graduate candidates should not be allowed to compete for the post for which basic eligibility was graduation.

5. Nothing more needs to be said of our own because this controversy has now been resolved by an unreported judgment of the Hon'ble Bombay High Court in its Nagpur



Bench in Writ Petition No.3355 of 2012 (Shri Ashok Parshuram Chafle Versus The Commissioner, Tribal Development & Anr. dated 17.12.2012). That being the state of affairs we are very clearly of the view that the challenge to the said circular must fail and accordingly OA is dismissed with no order as to costs.

Sd/-  
**(R.B. Malik) \**  
**Member (J)**  
**24.6.2016**

Sd/-  
**(Kajiv Agarwal)**  
**Vice-Chairman**  
**24.6.2016**

Date : 24<sup>th</sup> June, 2016

Dictation taken by: S.G. Jawalkar.

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