

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.1592 OF 2023

Mr. Suresh Maruti Birambole,)
Working as Instructor (Technical Lab. Asst))
At Government Polytechnic, Ratnagiri)
R/at. F-13, First Floor, Voice Roy Wing,)
Sawant Plaza, Sanmitra Nagar,)
Boarding Road, Ratnagiri.) **....APPLICANT**

VERSUS

1) The State of Maharashtra)
Through its Secretary,)
Skill Development and)
Entrepreneurship Department,)
Mantralaya, Mumbai 400 032)
2) Director, Directorate of Vocational)
Education and Training,)
Mahapalika Marg, Po. Box)
No.100036, Mumbai 400 001) **...RESPONDENTS.**

Mr. U.V. Bhosle, learned Counsel for the Applicant.

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

CORAM : **Justice Mridula Bhatkar (Chairperson)**
Ms. Medha Gadgil, Member (A)

DATE : **19.06.2024**

J U D G M E N T

1. The Applicant challenges Advertisement dated 17.08.2022 and Select list dated 07.12.2023, 08.12.2023 and 11.12.2023. First test was held on 20.09.2022. First objection raised on the said Advertisement was on 08.03.2023. Learned Counsel has submitted that the Applicant is having Locomotor Disability. He is diagnosed with Ankylosis of Whole Spine. 50% disability in relation to his neck, hip, spine and bone disease. Learned Counsel for the Applicant has submitted that the roster is not maintainable as the reservation was not provided to the particular category of Persons With Disabilities Act (PWD) people. Learned Counsel has submitted that 1% reservations given to locomotor which has not been maintained and which is against the law of the Persons With Disabilities Act therefore he has filed this O.A.

2. Learned Presenting Officer for the Respondents has relied on the affidavit-in-reply dated 15.02.2024 filed on behalf of Respondent No.2 through Mr. Sanjay Bapurao Gaikwad, working as Assistant Apprenticeship Advisor, in the office of Directorate of Vocational Education and Training. Along with the said affidavit dated 15.02.2024 the Respondent No.2 has submitted Annexures. Roster of all six regions in Maharashtra i.e., Mumbai, Pune, Nashik, Aurangabad, Amravati and Nagpur is provided. She has submitted that so far as relief claimed by the Applicant in prayer Clause 10(a) which is to provide a copy of the Roster for Physically Handicapped Persons for the post of Craft Instructors is concerned learned P.O. has given the

statement of vacant posts. So far as Prayer Clause 10(c) is concerned learned P.O. has raised objection that the persons who are selected on merit that are required to be made Party Respondent in the array of Respondents since they will be affected, if O.A. is allowed. In paragraph 10 of the affidavit-in-reply dated 15.02.2024 it is submitted that the applicant is not at par with the cut-off marks secured by the meritorious candidates. Learned P.O. has further submitted that when the Advertisement was issued the applicant did not challenge before the Tribunal. Learned P.O. has pointed out that in the affidavit dated 15.02.2024 at paragraph 9.3, the chart disclosing the position of PWD people as per Advertisement in Mumbai Region is not disclosed.

3. We have considered the submissions of both the parties. The chart provided in the affidavit-in-reply dated 15.02.2024 though is not a roster, it is the chart disclosing the reservation of the number of seats. In view of the relief claimed by the Applicant and facts placed before us, we hold that the Applicant should have challenged the Advertisement dated 17.08.2022 in the year 2022. When the Applicant came across that no reservation was given to locomotor disability, then he should have challenged the said Advertisement immediately. Applicant kept quiet and participated in the Selection Process though according to him the Advertisement was illegal and faulty and not as per law. Even thereafter he could have come forward and should have approached the Tribunal, but he did not, till the result was declared. This Advertisement was for the various posts. Three Select Lists were published on dated 07.12.2023, 08.12.2023 and 11.12.2023. He found his name was not included in either of the Select List and therefore he

has now filed this O.A., which according to us is not sustainable in law. Applicant has participated in the Selection Process. He was fully aware that the Advertisement was not as per PWD Act and he challenged the same only after he was not successful. We are of the view that no relief can be granted and no indulgence is required.

4. Hence, O.A. stands dismissed.

Sd/-

**(Medha Gadgil)
Member (A)**

Sd/-

**(Mridula Bhatkar, J.)
Chairperson**

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