

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**Original Application No.659/2023 with  
M.A.No.393/2023 in M.A.No.394/2023**

**DISTRICT- PUNE**

Yogesh Motiram Savale,  
Age : 43 years, Occ. Service  
as a Education Extension Officer  
Working at Panchayat Samiti, Shahada,  
Dist. Nandurbar-425409  
R/o C/o Sudam Lotan Chavhan,  
"Susang" Plot No. 09,  
Sharayu Park, Near Jatra Hotel,  
Aadgaon Shivar, Nashik-422003.

**... APPLICANT**

**VERSUS**

- 1] The State of Maharashtra  
Through its Secretary,  
School Education & Sports Department,  
Mantralaya, Mumbai-32.
- 2] The Secretary,  
The Rural Development Department,  
Mantralaya, Mumbai-32.
- 3] The Secretary,  
The Maharashtra Public Service Commission  
Mumbai.
- 4] Pramod Shankar Chinchole,  
Age: Adult, Occu: service as a  
Block Education Officer,  
Panchayat Samiti,  
Nandgaon, Tq. Nandgaon,  
Dist. Nashik.
- 5] Santosh Nandu Zole,  
Age: Adult, Occu: service as a  
Education Extension Officer,  
Zilla Parishad Primary Education Department,  
Nashik, Tq. & Dist. Nashik.

- 6] Sunil Chagadeo Ahire,  
Age: Adult, Occu: service as a  
Secondary Teacher under Zilla Parishad,  
International Primary School, Shiradhon,  
Tq. Kallam, Dist. Osmanabad.
- 7] Shaikh Jamir Jahuroddin,  
Age: Adult, Occu: service as a  
Education Extension Officer,  
Panchayat Samiti, Ashti, Tq. Ashti,  
Dist. Beed.
- 8] Bhalerao Subhash Tryambak  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI JALANA,  
Tq. & DIST. JALANA, PIN - 431203
- 9] Desale Ramesh Raghunath  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI NAWAPUR,  
Tq.NAWAPUR,  
DIST. NANDURBAR, PIN - 425418
- 10] Pathan Yunuskhan Goherkhan  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at ZILLA PARISHAD,  
NANDURBAR (Pri),  
Taluka & DIST. NANDURBAR  
PIN - 425412
- 11] Pagar Vijay Balasaheb  
Age: Major, Occu: Service,  
Post-Education Extension Officer,  
Working at PANCHAYAT SAMITI SATANA,  
Taluka-SATANA, DIST- NASHIK PIN - 423301
- 12] Vijay Shantilal Pawar  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at ZILLA PARISHAD, JALGAON (Pri),  
Taluka & DIST. JALGAON  
PIN - 425001

- 13] Karad Shivaji Bhagwan  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI NEWASA,  
Taluka NEWASA, DIST. AHMADNAGAR  
PIN - 414603
- 14] Naikwade Dilip Namdeo  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI SURGANA,  
Taluka- SURGANA, DIST. NASHIK  
PIN - 422211
- 15] Koli Dhananjay Lalchand  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI SURGANA,  
Taluka- SURGANA, DIST. NASHIK  
PIN - 422211
- 16] Dhadi Baliram Dalpat  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT  
SAMITI MUKTAINAGAR,  
Taluka- MUKTAINAGAR,  
DIST. JALGAON PIN - 425306
- 17] Deotale Deepak Nilkanth  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI ETAPALLI,  
Taluka- ETAPALLI,  
DIST. GADCHIROLI  
PIN - 442704
- 18] Malvi Sachinkumar Jayrai  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at ZILLA PARISHAD  
(Pri), Chandrapur,  
Taluka & DIST. Chandrapur.  
PIN - 442401

- 19] Lokhande Kailas Sakharam  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT  
SAMITI PARSHIVNI,  
Taluka- PARSHIVNI, DIST. NAGPUR  
PIN - 441105
- 20] Raut Ukanda Narayan  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT  
SAMITI GADCHIROLI,  
Taluka- GADCHIROLI,  
DIST. GADCHIROLI  
PIN - 442605
- 21] Chauhan Anil Ajab  
Age: Major, Occu: Service,  
Post-Education Extension Officer,  
Working at ZILLA PARISHAD (Pri), GONDIA,  
Taluka & DIST. GONDIA  
PIN - 441601
- 22] Musadwale Dadarao Bhaurao  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT  
SAMITI DEULGAON RAJA,  
Taluka- DEULGAON, DIST. BULDHANA  
PIN - 443204
- 23] Kumre Pandurang Lingaji  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at ZILLA PARISHAD,  
YAWATMAL (Pri),  
Taluka & DIST. YAWATMAL  
PIN - 445002
- 24] Nitinkumar Babarao Unde  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI  
CHIKHALDARA, Tq.CHIKHALDARA,  
DIST. AMRAWATI  
PIN - 444807

- 25] Falke Narayan Jagdeo  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI SHEGAON,  
Taluka-SHEGAON, DIST. BULDHANA  
PIN - 444203
- 26] Kale Jinendra Devlal  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI JAFRABAD,  
Taluka- JAFRABAD, DIST. JALNA  
PIN - 431206
- 27] Daberao Gajanan Uttamrao  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI KARANJA,  
Taluka- KARANJA, DIST. WASHIM  
PIN - 444105
- 28] Gawand Narendra Dharmaj  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at ZILLA PARISHAD,  
RATNAGIRI (Madhya),  
Taluka & DIST. RATNAGIRI  
PIN - 415612
- 29] Rajahamad Abbas Desai  
Age: Major, Occu: Service,  
Post-Education Extension Officer,  
Working at PANCHAYAT SAMITI CHIPLUN,  
Taluka-CHIPLUN, DIST. RATNAGIRI  
PIN - 415404
- 30] Mohite Sitaram Rama  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI PANVEL,  
Taluka- PANVEL, DIST. RAIGAD  
PIN - 410206

- 31] Patil Pradip Shamrso  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI  
SANGNESHWAR,  
Tq. SANGMESHWAR, DIST. RATNAGIRI  
PIN - 415611
- 32] Palkar Sunita Gajanan  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI MAHAD,  
Taluka- MAHAD, DIST. RAIGAD  
PIN - 402301
- 33] Naik Tanaji Bhiku  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI  
MANDANGAD,  
Taluka- MANDANGAD,  
DIST. RATNAGIRI,  
PIN - 415203
- 34] Zunjarrao Ashish Manohar  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI SHAHAPUR,  
Taluka- SHAHAPUR, DIST. THANE  
PIN - 421601
- 35] Sopnur Dattatraya Babu  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at ZILLA PARISHAD,  
RATNAGIRI (Pri),  
Taluka & DIST. RATNAGIRI  
PIN - 415612
- 36] Bansode Malhari Tukaram  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI  
DAKSHIN SOLAPUR,  
Taluka- DAKSHIN SOLAPUR,  
DIST. SOLAPUR  
PIN - 413215

- 37] Kumbhar Vikas Mahadev  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI KHANAPUR,  
Taluka-KHANAPUR, DIST. SANGLI  
PIN - 415307
- 38] Dhanapune Nilesh Dattatraya  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at ZILLA PARISHAD,  
PUNE (Madhya),  
Taluka & DIST. PUNE  
PIN - 411001
- 39] Ambi Sunil Balaso  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at ZILLA PARISHAD,  
SANGLI (Pri.),  
Taluka & DIST. SANGLI  
PIN - 416416
- 40] Mulani Jamila Usman  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI KARAD,  
Taluka- KARAD, DIST. SATARA  
PIN - 415110
- 41] Walekar Shai Nath Nivrutti  
Age: Major, Occu: Service,  
Post-Education Extension Officer,  
Working at PANCHAYAT SAMITI WAI,  
Taluka -WAI, DIST. SATARA  
PIN - 412803
- 42] Bhambhure Ganesh Madhukar  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at ZILLA PARISHAD,  
SANGLI (Madhya),  
Taluka & DIST. SANGLI  
PIN - 416416

- 43] Pise Laxman Mahadeo  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI KHATAV,  
Taluka-KHATAV, DIST. SATARA  
PIN - 415505
- 44] Tonape Bhimrao Dattatray  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
  
Working at ZILLA PARISHAD,  
KOLHAPUR (Madhya),  
Taluka & DIST. KOLHAPUR  
PIN - 416012
- 45] Kale Jayashri Sambhaji  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI SATARA,  
Taluka- SATARA, DIST. SATARA  
PIN - 415001
- 46] Ramesh Vishnu Gambare  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI MAN,  
Taluka- MAN , DIST. SATARA  
PIN - 415509
- 47] Bhosale Tanhaji Gangaram  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI VASMAT,  
Taluka- VASMAT, DIST. HINGOLI  
PIN - 431512
- 48] Shaikh Nizam Madrsab  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI ARDHAPUR,  
Taluka-ARDHAPUR, DIST.NANDED  
PIN - 431704

- 49] Rathod Gangadhar Raghunath  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT  
SAMITI ARDHAPUR,  
Taluka- ARDHAPUR, DIST.NANDED  
PIN - 431704
- 50] Wankhede Bharat Vinayak  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI JALNA,  
Taluka & DIST. JALNA  
PIN - 431203
- 51] Dattaprasad Maharudra Jangam  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at ZILLA PARISHAD,  
USMANABAD (Pri),  
Taluka & DIST. OSMANABAD  
PIN - 413501
- 52] Dhamale Madhukar Janardhan  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI LATUR,  
Taluka- LATUR DIST. LATUR  
PIN - 413531
- 53] Sontakke Gajanan Seetaram  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI MUKHED,  
Taluka- MUKHED DIST. NANDED  
PIN - 431815
- 54] Phatale Krishankumar Kashinathrao  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI NAYGAON,  
Taluka- NAYGAON, DIST. NANDED  
PIN - 431709

- 55] Nakade Geeta Mohansa  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI JALNA,  
Taluka- JALNA, DIST. JALNA  
PIN - 431203
- 56] Mali Santosh Sakharam  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT  
SAMITI KALAMB,  
Taluka- KALAMB, DIST. OSMANABAD  
PIN - 413507
- 57] Rathod Arvind Lalsing  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT  
SAMITI HINGANGHAT,  
Taluka- HINGANGHAT, DIST. WARDHA  
PIN - 442301
- 58] Birajdar Shuvkumar Vithal  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT  
SAMITI LOHARA,  
Taluka- LOHARA, DIST. OSMANABAD  
PIN - 413608
- 59] Gadekar Shankar Asaram  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at PANCHAYAT SAMITI  
SHEVGAON, Taluka- SHEVGAON,  
DIST. AHMADNAGAR  
PIN - 414502
- 60] Satish Trimbakrao Khedkar  
Age: Major, Occu: Service,  
Post- MADHYAMIK SHIKSHAK,  
Working at ZILLA PARISHAD  
MADHYAMIK SHALA TALWADA,  
Taluka-GEVRAI, DIST. BEED  
PIN - 431127

- 61] Namewar Rupali Jankiram  
Age: Major, Occu: Service,  
Post- MADHYAMIK SHIKSHAK,  
Working at ZILLA PARISHAD  
PRA SHALA UTWAD,  
Taluka & DIST. JALNA  
PIN - 431214
- 62] Laxman Bhaskar Fadat  
Age: Major, Occu: Service,  
Post- UCHH SHRENI SHIKSHAK,  
Working at ZILLA PARISHAD  
PANHERA KHEDI,  
Taluka-MOTALA, DIST. JALNA  
PIN - 443104
- 63] SHIRKE CHANDRAKANT DAMODAR  
Age: Major, Occu: Service,  
Post- Education Extension Officer,  
Working at ZILLA PARISHAD  
THANE, Taluka & DIST. THANE  
PIN - 400601
- 64] The Education Commissioner,  
Education Commissionarate,  
Central Building, 1<sup>st</sup> floor,  
Dr. Annie Besant Road,  
Agarkar Nagar,  
Pune, Maharashtra- 411001

... **RESPONDENTS**

Ms. Savita Suryawanshi, learned Advocate for the Applicant.  
Ms. K.S. Gaikwad, learned Presenting Officer for the Respondents.  
Mr. Sanjeev B. Deore a/w. Ms. Suchita J. Pawar, learned Advocate  
for the Respondents No.4, 5, 9, 10, 11, 14 and 15.  
Ms. Madhavi Ayyappan, learned Advocate holding for Mr. Talekar,  
learned Advocate for the Respondents No.8, 10, 12, 17, 22, 25, 28,  
29, 31, 34, 35 & 50.  
Mr. M. Tripathi, learned Advocate holding for Mr. M.B. Kadam,  
learned Advocate for the Respondents No.51, 56 and 58  
Mr. H.S. Bali, learned Advocate for the Respondent No.62.

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

**DATE : 20.06.2023**

**PER : Justice Mridula Bhatkar (Chairperson)**

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

1. Applicant who is working as Education Extension Officer aspiring for the post of Deputy Education Officer challenges the merit list dated 01.04.2022 on the point to delete the names of Respondent no.4 to Respondent No.63 on following two grounds :

(i) 10 Respondents, i.e. Respondents No.6, 7 & from 55 to 62 who have less than five years experience as per the eligibility criteria given in the advertisement.

(ii) Remaining 50 respondents all have opted for Maharashtra Development Service Cadre. They have not chosen Maharashtra Extension Service cadre, so they cannot appear from feeder cadre.

2. Learned Advocate Ms. Suryawanshi has moved M.A.No.393/2023 seeking amendment in O.A. She has submitted that the Applicant has challenged the examination process for the appointment to the post of Deputy Education Officer recently from March 2023 till May 2023.

3. Learned Advocate Ms. Suryawanshi has filed M.A.No.394/2023 seeking stay to the interview process which is going to be held as per the advertisement. Learned Advocate has referred to letter dated 24.03.2023 issued by School Education and Sports Department addressed to M.P.S.C in respect of Limited Departmental Examination wherein M.P.S.C. was asked whether

the applicants belong to MES Cadre which comes under Rural Development.

4. Learned Advocate Ms. Suryawanshi has further submitted that by letter dated 08.06.2023 the State of Maharashtra volte-face changing its decision directing the M.P.S.C. not to verify the issue of option given by the candidates earlier as in the advertisement dated 17.05.2017. The M.P.S.C. has not mentioned any condition restricting the candidature on the ground of options adopted earlier and so she wants to challenge the stand which is contrary stand taken by the Government and which are also contrary to the Recruitment Rules and therefore she wants to amend.

5. Learned Advocates Ms. Madhavi, Mr. Deore and learned P.O. Ms. Gaikwad appearing for respective Respondents oppose this M.A.No.393 /2023 for amendment on the ground that the amendment is made at the stage of Final Hearing and the letter which is referred on the ground that there will be confusion on account of amendment because that letter is pursuant to the advertisement.

6. From the submissions it is found that the letter dated 08.06.2023 issued by the School Education and Sports Department is the reason for amendment which is sought by learned Advocate Ms. Suryawanshi. Amendment cannot be sought at the later stage. However, it is also true unless amendment is carried out the matter cannot be taken up for Interim Relief, and opportunity is to be given to the other side to file their reply. However, we understand that the applicant's basic prayer is that

Applicant's name should have been included in the merit list and as now the date of interview is declared i.e. 25<sup>th</sup> and 26<sup>th</sup> June 2023 hence she seeks stay for the same. Further, Applicant's challenge is that why names of Respondents are included in the list. It is to be noted that the applicant has not made it clear how many Respondent's names are to be deleted so that the applicant Mr. Yogesh Motiram Savale will be taken. There is only one applicant, therefore he needs to be specific. Applicant has secured 136 marks, and the cut off is 150 marks for the general merit list for 92 posts, 283 persons are held qualified for the interview.

7. Thus, considering these numbers and the marks secured by the applicant, prima facie, the applicant has not made out case for interim relief. Applicant has not made it clear where his name can be added in the merit list and which candidate's can be replaced by him. Assuming 60 candidates are deleted from the merit list, the person who has secured 149 marks will be included in the said list. Applicant has secured 136 marks. On this point, prima facie, no interim relief can be granted. Applicant has no locus. M.A. seeking amendment is rejected.

8. Both M.A.No.393/2023 and M.A.No.394/2023 are dismissed. In view of the main prayer, as nothing survives in the O.A. the same also stands dismissed.

Sd/-  
**(Medha Gadgil  
Member (A))**

Sd/-  
**(Mridula Bhatkar, J.)  
Chairperson**

prk