

**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-CH IPLUN, 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, 1st 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. 25th and 26th 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