

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 680 OF 2013

DISTRICT : MUMBAI

Shri Ajit Ramchandra Powar,)
Working as Translator, in the)
Office of Directorate of Languages)
New Administrative Building,)
Government Colony, Bandra [E],)
Mumbai – 51.)
Add for service of Notice)
Shri A.V Bandiwadekar,)
Advocate, having office at 9,)
“Ram Kripa”, Lt Dilip Gupte Marg,)
Mahim, Mumbai 400 016.)...**Applicant**

Versus

1. The Secretary,)
Maharashtra Public Service)
Commission, having office at)
Bank of India Building, Fort,)
Mumbai 400 001.)
2. The State of Maharashtra,)
Through the Secretary,)
Marathi Language Department,)

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Having office at Mantralaya,)
Mumbai 400 032.)

3. Shri Manish Shankarrao Gavai)
Working as Language Officer,)
[Hindi], in the office of the)
Directorate of Languages)
New Administrative Building,)
Government Colony,)
Bandra [E], Mumbai – 51.)...**Respondents**

Shri A.V Bandiwadekar, learned advocate for the Applicant.

Shri N.K. Rajpurohit, learned Chief Presenting Officer for the Respondents no 1 & 2.

None for Respondent no. 3.

CORAM : Shri Rajiv Agarwal (Vice-Chairman)

Shri R.B. Malik (Member) (J)

DATE : 17.08.2015

PER : Shri Rajiv Agarwal (Vice-Chairman)

ORDER

1. Heard Shri A.V Bandiwadekar, learned advocate for the Applicant, Shri N.K. Rajpurohit, learned

Chief Presenting Officer for the Respondents no 1 & 2.
None for Respondent no. 3.


2. This Original Application has been filed by the Applicant challenging the order dated 25.7.2012 by which the Respondent no. 3 was appointed to the post of Language Officer (Hindi) Group 'B'. The Applicant claims that the Respondent no. 3 was ^{not} eligible to be selected for the said post and the Applicant is seeking consequential reliefs.

3. Learned Counsel for the Applicant argued that the Respondent no. 1 had issued advertisement dated 8.9.2011 to fill one open post of Language Officer (Hindi). The Applicant applied for the said post as he was fully qualified as per the recruitment rules for selection to the said post. Applications of only two candidates viz the Applicant and the Respondent no. 3 were accepted. After interview was held, the Respondent no. 1 selected the Respondent no. 3 and recommended his name to the Respondent no. 2, who by impugned order dated 25.7.2012, appointed the Respondent no. 3 on the said post. The Applicant came to know that the Respondent no. 3 was not eligible for the post and he collected relevant information under the Right to Information Act. The Applicant made representations to the Respondents no. 1 & 2 on 31.12.2012 and 16.10.2012 to re-examine the eligibility of the Respondent no. 3 on the basis of

documents furnished by him. Learned Counsel for the Applicant contended that the Language Officers in the Directorate of Languages (Recruitment) Rules, 1982 provides that candidate must have a second class Bachelor's degree or Master's degree in English and in any one of the six languages mentioned in the rules and also must possess experience of translation work of not less than 3 years gained after acquiring educational qualifications as above. From the copy of the application form submitted by the Respondent no. 3, it is seen that he claimed to have passed B.A in ^{English} ~~Hindi~~ on 18.9.2001 and B.A in Marathi on 7.12.2005. He passed M.A in Hindi on 16.7.2005. During 1.7.2004 to 11.3.2008, he was shown working as Lecturer in Late Chhabutai Dahake College of Education, Karanja Lad, District-Washim on contract basis. During most of the same period from 20.5.2005 to 31.12.2008, he claimed that he was working as Translator in Dainik Amravati Mandal at Amravati. Learned Counsel for the Applicant argued that a person cannot be working as Lecturer in Washim and at the same time working as Translator at Amravati when the distance between two places is more than 200 Kms. The certificate of experience as Translator is dubious, as it is given by a private Institution which states that the Respondent no. 3 was getting pay in the Pay Band of Rs. 9400-34800 plus grade pay of Rs. 4200 p.m, while in the Application Form, the Applicant has indicated his monthly emoluments of Rs. 20,000/- p.m. The State of

Maharashtra has implemented Sixth Pay Commission w.e.f 1.7.2009 while this private institution claims to have implemented the same from 2005. All there inconsistencies regarding the experience of the Respondent no. 3 would indicate that the experience certificate was 'got up' document and manipulated one. Learned Counsel for the Applicant argued that the B.A Certificate produced by the Respondent no. 3 does not mention any subject. It cannot be said to be B.A in English. The number of degree the Respondent no. 3 claims to have got and overlapping time period during which the degrees were claimed to have been obtained appears to be suspicious.

4. Learned Chief Presenting Officer (C.P.O) argued on behalf of the Respondents no. 1 and 2 that for the post of Language Officer (Hindi), educational qualification of Bachelor's degree in second class or a Master's degree, in English and Hindi is required. (emphasis added). The candidate should also have at least 3 years experience in translation work in a responsible position after acquiring educational qualification as above and also have knowledge of Marathi. As the Respondent no. 3 fulfilled the requirement of educational qualification and experience, he was appointed after interview was held by M.P.S.C and he was found eligible. When the Applicant made a complaint about educational qualification of the



Respondent no. 3, the Applicant was asked to clarify by letter dated 25.3.2013. Learned C.P.O stated that experience certificate of the Respondent no. 3 is correct and he had relevant experience.

5. We find that the Respondent no. 3 has filed affidavit on 30.9.2013 and also appended copies of Certificates of his educational qualification and experience. He has appended statement of marks of B.A final examination which shows that he had compulsory English of 50 marks as one of the subjects. Other subjects include Indian Music, Compulsory Language and 'HH' and 'GOP'. We are unable to comprehend what HH and GOP mean. One thing is absolutely clear that this is not a B.A degree either in 'English' or 'Hindi'. The other Certificates appended by the Respondent no. 3 are mark sheet of M.A Hindi and degree of M.A (Hindi) obtained in Summer of 2005. Even his application form at p. 36 of the Paper Book does not mention that he had any degree in English. How was he held to have educational qualifications as per recruitment rules is unclear. Rule 3(2) of the Language Officers in the Directorate of Languages (Recruitment) Rules, 1982 reads:

“(2) by nomination from amongst candidates who;

- (i) Unless already in the service of Government,
are not more than thirty five years of age;

- (ii) possess a Bachelor's degree at least in second class or a Master's degree in English and in one of the following languages, of a statutory University, namely:-
- (a) Hindi,
 - (b) Gujarati
 - (c) Telugu
 - (d) Kannada
 - (e) Sindhi
 - (f) Urdu
- (iii) have adequate knowledge of Marathi; and
- (iv) possess experience in translation work or in preparation of administrative glossaries into one of the languages mentioned in sub clauses (ii) of this clause for not less than three years in a responsible position after acquiring the qualifications mentioned in sub clause (ii) of this clause".

The Respondent no. 3 admittedly passed M.A (Hindi) on 16.7.2005 as per information furnished by him in his application form. In the same application form against experience, he has mentioned as follows:-

Sr No	Post Held	Nature of appointment	Nature of Post	Name of organization	Ownership of organization	Pay
(3)	Lecturer	Contract basis	Teaching	Late Chhabutai Dahake College of	Aided by State Government	13500



				Education, Karanja Lad, Dist- Washim (from 1.7.2004 to 11.3.2008)		
(4)	Translator	Regular	Translator	Dainik Amravati Mandal (from 1.1.2005 to 31.12.2008)	Aided by Central Government	10000

Anyone scrutinizing this application form would have noticed that the Applicant was claiming to be working from 1.1.2005 to 11.3.2008 at Karanja Lad, District Washim and also at Amravati. Any person with reasonable intelligence would have immediately instituted inquiries to ascertain the truth especially when the question of employment in a Group 'B' post in Government was involved. We are surprised to note that the Respondent no. 1 accepted all these information at the face value. When the Applicant made complaint, no serious investigation was undertaken and the explanation submitted by the Respondent no. 3 was again accepted at face value though there were discrepancies in the information given by him in the Application Form and in the said explanation. Many questioned remained unanswered. The explanation that he was working as a part time tutor in Chhabutai Dahake College of Education from morning from 7.00 to

9.30 am at Karanja Lad and later worked in Dainik Amravati Mandal at Amravati on regular basis can hardly be called satisfactory. How a person can work at two places at the same time? What was the distance between Karanja Lad, Dist-Washim where the Chhabutai Dahake College of Education was located and where was this Dainik Amravati Mandal's office in Amravati? What was the status of Dainik Amravati Mandal – is it a daily news paper, as the name suggests? Does it had Central Government funding? Earlier, the Certificate issued by this institution which is dated 1.1.2009 is at p. 39 of the Paper Book. It appears to be a newspaper paying its translator pay in pay band of Rs. 9400-34800 + G.P of Rs. 4200. We are not sure whether newspaper pay as per 6th Pay Commission pay scale to its staffers. There were so many questions which will come to the mind of a person of ordinary prudence. However, neither of the Respondents no 1 & 2, for reasons best known to them, thought it fit to inquire into the matter. It is clear that the Respondent no. 3 had a B.A (Pass) degree as against B.A (Honours) in English degree. It cannot be said to be a degree of B.A in English. He did not have requisite educational qualification. His experience certificate does not inspire any confidence. He was not eligible for appointment to the post of Language Officer (Hindi) as per recruitment rules.

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6. The Applicant claims that he satisfies all the requirement for the post of Language Officer (Hindi) and he was the only other candidate who was called for interview along with the Respondent no. 3 by the Respondent no. 1. He claims to have done well in the interview. The Respondent no. 3 has since resigned and the post is vacant.

7. In view of the peculiar facts and circumstances of this case, the Respondents are directed to consider the Applicant for appointment to the post of Language Officer (Hindi) on the basis of his application pursuant to the advertisement dated 8.9.2011 and on the basis of his interview held on 28.6.2012. This process should be completed and if the Applicant is found eligible and suitable, his appointment order should be given within three months from the date of this order. This Original Application is disposed of in these terms with no order as to costs.

Sd/-

(R.B. Malik)
Member (J)

Sd/-

(Rajiv Agarwal)
Vice-Chairman

Place : Mumbai

Date : 17.08.2015

Dictation taken by : A.K. Nair.