

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 632/2017 (D.B.)**

Shri Swapnil Subhashrao Tale,
Aged about 31 yrs., Occ. Student,
R/o Sashakiya Colony, By-Pass Karanja Road,
Murtijapur, Dist. Akola – 444 107.

Applicant.

Versus

1. The State of Maharashtra,
through its Principal Secretary,
Health Department,
Mantralaya, Mumbai- 32.
2. Joint Director of Health Services,
(Malaria, Filaria & Water Borne Diseases),
Arogya Bhawan, Opp. Vishrantwadi Police Station,
Yerwada, Pune – 411 006.
3. Deputy Director of Health Services, Nagpur,
South Ambazari Road, Shraddhanandpeth,
Besides Deekshabhoomi, Nagpur – 440 022.

Respondents.

Shri K.P.Mahalle, Ld. Counsel for the applicant.
Shri S.A.Sainis, Ld. P.O. for the respondents.

**Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman &
Hon'ble Shri Nitin Gadre, Member (A).**

Dated: - 21st October, 2024.

JUDGMENT

Heard Shri K.P.Mahalle, learned counsel for the applicant and Shri S.A.Sainis, learned P.O. for the Respondents.

2. The case of the applicant in short is as under-

The respondent no.1 issued an Advertisement dated 21.01.2016 for the post of Multi-Purpose Worker (Bahuudeshiya Arogya Karmachari). Since, the applicant was qualified for the said post, the applicant applied for the said post. Since, the post in the said advertisement were specifically reserved for the Project Affected Persons (PAP) and the applicant being one of the Project Affected Persons (PAP) applied for the post in that category. The Certificate is dated 17.06.2004-05 issued to the applicant by Collector, Yavatmal showing that the applicant is a Project Affected Person (PAP) was also filed.

3. It is the contention of the applicant that there are different criteria in the Advertisement itself. The criteria prescribed for the said post under the category of 40% (Male) and 50% (Male) whereby the relaxation is granted to the persons to be selected from

40% (Male) is arbitrary and therefore prayed to quash in the said criteria in the said Advertisement.

4. The O.A. is strongly opposed by the respondents. It is submitted that the Advertisement is of the year 2017. Now, all the posts are filled. The Advertisement was correctly issued. Hence, the O.A. is liable to be dismissed.

5. During the course of submission, the learned counsel for the applicant has submitted that the criteria mentioned in the Advertisement is not correct. There is discrimination. Hence, the O.A. be allowed.

6. The learned P.O. has pointed out the Communication submitted by the respondent is dated 03.09.2023. It is already marked Exhibit-X for identification.

7. On the last date i.e. on 13.08.2024, this Bench has directed to get instructions as to whether waiting list is valid and whether the post is vacant. In response to the order on 03.09.2024, it is communicated to this Bench that waiting list was valid upto one year now the post is not vacant.

8. The learned P.O. is pointed out decision the case of **Uttar Pradesh Public Service Commission Vs. Surendra Kumar & Ors. 2019 ALL SCR 223.** As per this Judgment, waiting list cannot be continued for more than one year.

9. The applicant is not selected for the post, for which he applied. Now, the waiting list is not valid. The post is also not available. Now, the validity of the Advertisement cannot be decided. Hence, we pass the following order-

ORDER

The O.A. is dismissed with no order as to costs.

(Nitin Gadre)
Member(A)

(Justice M.G.Giratkar)
Vice Chairman

Dated – 21/10/2024.
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde.
Court Name : Court of Hon'ble Vice Chairman
& Hon'ble Member (A).
Judgment signed on : 21/10/2024.
and pronounced on
