

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 1095 OF 2012

DISTRICT : PUNE

1. Shri Ganesh Ramprasad Pawar,)
R/o: Wanola, Tal-Mahur,)
Dist-Nanded – 431 804)
2. Shri Vasudeo Vasant Dudhikar)
R/o: 326, South Kasba,)
Taluka & Dist Solapur-7.)
3. Shri Ravindra Durgadas Dhotre,)
R/o: 115/9 Ravivar Peth,)
Taluka & Dist-Solapur-7.)
4. Shri Parmeshwar M. Chandanshive)
R/o : At Post Umbergaon,)
Tal-Pandharpur, Dist-Solapur-7.)
5. Shri Pawar R. Yeshwant,)
R/o: At Post Wagholi,)
Tal-Malshiras, Dist-Solapur.)...**Applicants**

Versus

1. The State of Maharashtra)
Through Pradhan Sachiv,)
Water Irrigation Department,)
Mantralaya, Mumbai 400 032.)
2. The Director,)
Water Irrigation Department,)
Maharashtra State, Pune-411 011.)
3. The Dy. Director,)
Water Irrigation Department,)
Maharashtra State, Pune 411 011.)
4. The Secretary,)
Divisional Selection Committee Pune)
or Superintending Engineer,)
Koyana Public Works Department,)
Kolhapur Division, Krashna Nagar,)
Satara, Dist-Satara.)
5. The President,)
Divisional Selection Committee Pune)
or Water Irrigation Department, Pune.)...**Respondents**

Shri Y.D. Patil, learned advocate for the Applicants.

Shri D.B. Khaire, learned Chief Presenting Officer for the Respondents.

CORAM : Dr Justice S. Radhakrishnan (CHAIRMAN)

Shri Rajiv Agarwal (VICE-CHAIRMAN)

DATE : 18.06.2013

PER : Shri Rajiv Agarwal (VICE-CHAIRMAN)

ORDER

1. Heard Shri Y.D. Patil, learned advocate for the Applicants and Shri D.B. Khaire, learned Chief Presenting Officer for the Respondents.

2. By this Original Application, the Applicants are seeking appointment as Canal Inspectors in relaxation of qualification of holding Certificate from a Government Commercial Institute regarding English / Marathi typing and Certificate regarding knowledge of Computers.

3. The Applicants had applied for the post of Dafter Karkun/Canal Inspector/Measurer in response to the advertisement issued by the Respondent No. 2, which appeared in Marathi Daily 'Samna' on 4.1.2012. The necessary qualifications for the said posts are:-

- (i) H.S.C, i.e. 12th standard of Maharashtra State Secondary & Higher Secondary Boar or two years Diploma in Agriculture.
- (ii) Certificate from a Government Commercial Institute regarding proficiency in English (40 w.p.m) or Marathi (30 w.p.m) typing.
- (iii) Certificate of having passed examination in use of Computer as prescribed by the Director, Information Technology, Government of Maharashtra.

(Director, Information Technology has prescribed MS-CIT or equivalent as the necessary qualification).

4. The Applicants were at Serial No 90 (Applicant No. 1), 568 (Applicant No. 5) and 570 (Applicant No. 4) in the provisional list of candidates selected for document verification. The Original Application mentions in para 6.3 that all the Applicants (who were in the category of Part-time employees) were in the list, names of only the above three candidates are there in the Exhibit 'D' filed with the Original Application. All the Applicants were disqualified for non-production of Certificates of Typing or MS-CIT.

5. Learned Advocate Shri Y.D. Patil, contended that the advertisement issued by the Respondent No. 2 mentions that Part-time candidates have to produce typing and Computer qualification certificates. In G.R dated 6.10.2010, it is provided that the candidates belonging to Part-time employees category can submit Typing Certificate within six months after appointment. He referred to G.R dated 31.8.2002 which provides that the Part-time employees can be given one year's time to acquire necessary qualification of Computers like MS-CIT. By G.R dated 19.3.2003, the period of one year has been further relaxed to two years. Learned Counsel for the Applicants argued that the disqualification of the

Applicants is wrong and they should have been selected and given time to acquire necessary typing and Computer information technology qualification as per aforesaid G.Rs.

6. Learned Chief Presenting Officer (C.P.O) Shri D.B. Khaire, stated that the Recruitment Rules for Canal Inspector / Measurer have been notified on 27.10.1993 while the Recruitment Rules for Daftar Karkun in the Water Resources Department have been notified on 30.5.1977. They were amended by G.R dated 28.11.2011. For all these posts qualifications are:

- (i) Candidates must pass 12th standard examination conducted by the Maharashtra State Secondary and Higher Secondary Board of Education.
- (ii) Certificate from a Government Commercial Institute of passing typing examination having proficiency of 30 w.p.m in Marathi or 40 w.p.m in English.
- (iii) Certificate regarding computer qualification as prescribed by the Director of Information Technology, Maharashtra State.

Learned Chief Presenting Officer argued that the Recruitment Rules do not provide any time for acquiring certificates in Typing or Computers. The G.Rs cited by

the learned counsel for the Applicant are earlier in time and are no more applicable. He further argued that the advertisement issued by the Respondent No. 2 made it clear that Certificate in Computer qualification was required to be produced at the time of scrutiny/appointment. Para (8)(a) of the advertisement reads:-

“d- mesnokjph vgZrk& 1- lax.kd vgZrk& D.O.E.A.C.C lkslk;VhP;k vf/kd`r fdaok ‘O’ Lrj fdaok ‘A’ Lrj ‘B’ fdaok ‘C’ Lrj iSdh dks.krhgh ,d ijh{kk mRrh.kZ >kY;kps izek.ki= fdaok (2) egkjk”V~ jkT; mPp o ra= f’k{k.k eaMG] eqacbZ ;kaps dMhy vf/kd`r MS-CIT ijh{kk mRrh.kZ izek.ki= vko’;d fdaok GECT ijh{kk mRrh.kZ izek.ki=, ofj”B oSKkuhd lgk;;d] dfu”B oSKkuhd lgk;;d] ojh”B losZ{k.k lgk;;d] dfu”B losZ{k.k lgk;;d] la’kks/ku lgk;;d] iz;ksx’kkGk lgk;;d] nlrj dkjdwu] dkyok fujh{kd] ekst.khnkj o lans’kd ;k laoxkZlkBh dksni=kaP;k NkuuhP;k osGh o fu;qDrhP;k osGh ojhyiSdh vgZrk /kkj.k dsysyh izek.ki= lknj dj.ks vko’;d jkghy-

Similarly, it is mentioned that the candidates must have necessary typing qualification. The Applicants were fully aware that the Certificates of typing/computer knowledge were essential for qualifying for the post for which they had applied. There is no provision of relaxation of any qualifications in the relevant recruitment rules. Learned Chief Presenting Officer

argued that the Applicants have been rightly disqualified by the Respondent No. 2

7. Learned Counsel for the Applicants have submitted a chart showing the dates on which the Applicants acquired Certificates of Proficiency in Typing / Computers. The chart makes it very clear that none of the Applicants had necessary Certificates both in respect of Typing and Computer at the time of scrutiny of their Certificates.

8. In view of the above facts and circumstances, the Original Application stands dismissed. There will be no order as to costs.

(Dr. S. Radhakrishnan.J)
Chairman

Place : Mumbai
Date : 18.06.2013
Typed by : A.K. Nair.

(Rajiv Agarwal)
Vice-Chairman.