

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3923/2015

(GAJANAN RAJARAMJI KARWADE **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.Z. Sonbhadre, counsel for the petitioner.
 Shri P.S. Tembhare, A.G.P. for the R-1 & 2.
 Shri Sk. Majid, counsel for the R-3 & 4.
 Shri Rajnish Vyas, counsel for the R-5.

CORAM : SMT.VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.

DATE : FEBRUARY 15, 2016.

By this petition, the petitioner challenges the selection and appointment of the respondent no.5 on the post of Extension Officer (Education) from NT(B) category. The petitioner seeks a direction to the respondent nos.2, 3 and 4 to consider the candidature of the petitioner for appointment on the post of Extension Officer (Education) from NT(B) category.

The petitioner had along with the respondent no.5 and others applied for appointment on the post of Extension Officer (Education) Grade-3 in pursuance of an advertisement issued by the respondents in the month of April-2013. The petitioner appeared at the written examination and the oral interview. It is the case of the petitioner that though the respondent-Zilla Parishad was duty bound to publish a list of candidates along with the marks secured by them in the oral and the written examination, the respondent-Zilla Parishad did not do so. According to the petitioner, though the petitioner is more meritorious, the respondent nos.2 to 4 have illegally selected the respondent no.5 for appointment on the post of Extension Officer (Education) from the NT (B) category. It is stated that though the petitioner had sought the information in regard to the marks secured by the

petitioner and the respondent no.5 in the written test and the oral interview, the petitioner was not supplied with the same. It is stated that the respondent no.5 does not possess the requisite experience of teaching in a primary or a secondary school for three years. It is stated that though the respondent no.5 claims to have worked for more than three years in a secondary school, there was no approval by the Education Authorities to the appointment of the respondent no.5 in the secondary school. It is stated that in view of the notification issued by the Rural Development and Water Conservation Department, dated 10.06.2014, to claim experience of teaching in a school for three years, it would be necessary that the appointment is approved by the Education Authorities. It is stated that in the circumstances of the case, the appointment of the respondent no.5 may be quashed and set aside and a direction may be issued to the respondent nos.2 to 4 to appoint the petitioner on the post of Extension Officer (Education).

The learned counsel for the respondent nos.2 to 4 and the learned counsel for the respondent no.5 supported the order of appointment of the respondent no.5. It is stated that the requirement to possess the approval for claiming teaching experience in a primary or a secondary school is for the first time brought into effect by the notification dated 10.06.2014. It is stated that by the said notification, the rules have been amended in the year 2014 and a candidate claiming experience of having taught in a school for a period of three years, is required to possess the approval of the Education Authorities to the appointment in the school. It is submitted that the respondent no.5 is much more meritorious than the petitioner inasmuch as the respondent no.5 has secured 122.5 in the written examination and 9.78 in the oral interview. It is stated that the petitioner has secured 105 marks in the written examination and 8.78 marks in the oral interview. It is stated that the petitioner has secured 113.78 marks, whereas the respondent no.5 has secured 132.28 marks.

On hearing the learned counsel for the parties and on a perusal of the notification dated 10.06.2014 by which the Maharashtra Zilla Parishad District Services (Recruitment) Rules, 1967 were amended, it appears that there is no merit in the challenge made by the petitioner to the appointment of the respondent no.5. We have perused the original record of the selection process that was tendered by the learned counsel for the respondent nos.2 to 4 in the Court, today. It is apparent from the original record that the respondent no.5 is much more meritorious than the petitioner. The petitioner has secured 113.78 marks as against 132.28 marks secured by the respondent no.5. Also, the requirement of possessing the approval to the appointment in a primary or a secondary school for claiming experience therein has been incorporated in the Recruitment Rules of 1967 by the amendment that was brought into effect on 10.06.2014. Before the Rules of 1967 were amended, it was not necessary for a candidate to possess teaching experience in a school where his services are approved. The advertisement has been issued in the instant case in April-2013 and the notification by which the Rules of 1967 were amended, was issued on 10.06.2014. The notification dated 10.06.2014 or the amended Rules of 2014 cannot govern the advertisement that was issued a year earlier.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

JUDGE

JUDGE