

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.145/2016

Pushpalata Narayan Matte ..vs.. The State of Maharashtra through its its Secretary,
Ministry of Social Welfare Department, Mantralaya, Mumbai and others

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

Court's or Judge's orders

Shri Gaikwad, Advocate for petitioner.
Shri Tembhare, Assistant Government Pleader for respondent nos. 1, 2
and 4.

CORAM : SMT. VASANTI A. NAIK AND
V. M. DESHPANDE, JJ.

DATE : APRIL 29, 2016

By this writ petition, the petitioner impugns the order of the Maharashtra Administrative Tribunal dated 23.09.2014 dismissing the Original Application filed by the petitioner and upholding the action of the respondents in rejecting the candidature of the petitioner for appointment on the post of Superintendent (Group B).

In pursuance of an advertisement issued by the Maharashtra Public Service Commission on 16.01.2013, the petitioner had applied for the post of Superintendent (Group B) that was reserved for the Nomadic Tribes-C (Female Category). According to the advertisement, a candidate was required to possess at least a second class at the Graduate or the Post Graduate level. The candidate was also required to have minimum three years of experience in a post, that involves supervisory duties, in the Government or in a major establishment. Admittedly, the petitioner did not possess the Bachelor's Degree in the second class as the petitioner has passed the same in the third division. The petitioner, however, possesses

the Master of Social Works degree, that is the Post Graduate Degree, in the second class. The Post Graduate degree was secured by the petitioner on 02.09.2011. While applying for the post of Superintendent Group-B, the petitioner had relied on the Master of Social Works degree in the second class as per the education criteria. The petitioner claimed to have possessed three years experience of the post that carried duties of supervisory nature. The petitioner was permitted to appear at the written examination. The candidature of the petitioner was rejected on the ground that the petitioner did not possess the requisite experience of three years in a supervisory post. According to the respondents, it was necessary for the petitioner to have possessed three years experience after securing the educational qualification for the appointment on the post and since the petitioner had secured the educational qualification of Master of Social Works in the second class only on 02.09.2011, the petitioner did not possess the experience of three years. The petitioner challenged the action of rejection of the candidature of the petitioner before the Maharashtra Administrative Tribunal. The Tribunal, by the impugned order, dismissed the Original Application filed by the petitioner.

On hearing the learned counsel for the parties, we find that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. Admittedly, as per the advertisement, a candidate was required to possess a Bachelor's or Master's degree in the second class. The petitioner did not possess the bachelor's degree in the second class, however, she possessed the Master's degree in the Master of Social Works in the second class. This degree was secured by the petitioner on 02.09.2011 and since, at the time of the issuance of the advertisement, the petitioner did not possess the requisite experience, the Maharashtra Public Service Commission rejected

the candidature of the petitioner. The Tribunal found, and rightly so, that there was no reason to interfere with the action of the Maharashtra Public Service Commission in rejecting the candidature of the petitioner. If the submission of the petitioner of having secured the experience after securing the graduate's degree is accepted, it would be possible for a candidate to argue that even before securing the graduate's degree he/she had an experience of more than three years in a job carrying the duties of the supervisory nature. Normally, when a candidate is required to have the requisite experience, the experience needs to be counted after the securing of the minimum qualifications that are required to be possessed by the candidate at the time of applying for the post.

Also, there is an additional reason for declining the relief in favour of the petitioner. The certificate issued by the Regional Deputy Director of Social Welfare, Amravati dated 18.11.2013, on which the petitioner relied for claiming three years experience, does not show that the petitioner had an experience of three years on a post that requires the performance of supervisory duties. The petitioner was, at the relevant time, when the petitioner claims to have secured the requisite experience, working as a Senior Clerk. It is stated in the experience certificate that the work of Gharkul Yojana, Government Hostel Division and Housing Project was entrusted to the petitioner while she worked as the Senior Clerk. The work does not appear to be of supervisory nature. Moreover, the post which the petitioner was holding at the relevant time, was the post of Senior Clerk and that does not require the performance of supervisory duties. Clause 4.4 of the advertisement clearly mentions that the post on which a candidate claims to have had an experience of three years should be a post which requires the performance of the supervisory duties. Also, it is necessary to

note that the petitioners candidature was rejected on 02.11.2013 and the petitioner has relied on a certificate of the Regional Deputy Commissioner dated 18.11.2013. It is clear that the said document was procured by the petitioner subsequently, that is, after the rejection of her candidature.

Hence, for the reasons recorded in the order of the Maharashtra Administrative Tribunal and also for the aforesaid reasons, we dismiss the writ petition with no order as to costs.

JUDGE

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