

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4516 OF 2017

Anandrao Vithoba Kisave	.. Petitioner
Vs.	
The Secretary, Maharashtra Public Service Commission and State of Maharashtra	.. Respondents

Mr.Vishnupant U. Sherkhane, for the Petitioner.
Mr.N.C.Walimbe, AGP for State.

**CORAM : SMT. V.K.TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

20th DECEMBER, 2017

P.C. :

1. By this Petition filed under Articles 226 & 227 of the Constitution of India, the petitioner has challenged the order passed by the Maharashtra Administrative Tribunal, Mumbai (for short 'Tribunal') dated 10/10/2014 in OA No. 973 of 2011.

2. The petitioner is having qualification of B.Sc. (Chemistry) and has experience in food inspection and sampling for more than 8 years as 'Chemist' with Indapur Dairy and Milk

Product Ltd., Indapur Dist., Pune. In response to the Advertisement dated 30/09/2009, he applied for the post of Administrative Group (Asst.Dairy Development Commissioner) Group 'B' along with required documents. The petitioner's candidature was rejected on the ground that he does not possess relevant educational qualification vide letter dated 13/06/2011. In response to another Advertisement dated 31/12/2009 also his candidature was rejected on the same ground by letter dated 13/06/2011. The petitioner therefore filed 2 applications before the Tribunal. Learned Counsel for the petitioner contends that he is B.Sc (Chemistry) and has sufficient experience for appointment to the said post. In his submission, the Indian Dairy Diploma (for short 'I.D.D.') course has been removed from syllabus of the Government of Maharashtra. He invited our attention to the information received from the respondent No.3 vide letter dated 03/11/2010 informing him that this course has been removed from the syllabus. In his submission therefore the Advertisement itself is defective.

3. Learned Counsel submits that the petitioner's experience in a private dairy deserves to be regarded as adequate as a substitute of the Diploma namely I.D.D.

4. Learned AGP on the other hand invited our attention to the Recruitment Rules to the post for which the advertisement was issued. The Advertisement provides for the following qualification:

“5. Qualifications :Candidate must possess –

5.1. B.Sc (Agriculture OR B.Tech. (Dairy Technology) OR B.V.Sc.(Veterinary Science OR B.Sc (Food Technology) and I.D.D. OR B.Sc. (Nutrition) and I.D.D OR B.Sc.(Bio-Chemistry) and I.D.D. Or B.Sc. Chemistry and I.D.D. OR B.Sc. (Microbiology) and I.D.D OR I.D.D. with at least three years experience in milk processing facility in Government dairy or any other dairy having processing capacity 1,00,000 liters per day and thereafter

5.2. Experience in a dairy having processing capacity of not less than 50,000 liters per day, for a period not less than three years in the post equivalent to the Group C posts of office Superintendent in the Department.”

5. Admittedly, the petitioner does not have a Diploma of I.D.D. It is not possible for us to accept the contention of the petitioner that his experience in a private dairy deserves to be regarded as adequate as a substitute of the Diploma namely

IDD. As the petitioner does not possess any of the qualification as mentioned in the Advertisement, it is not possible for us to interfere with the order passed by the Tribunal.

6. The Petition is accordingly dismissed with no order as to costs.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)