

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12838 OF 2018
(Udalsing Ramsing Naglot Vs. The State of Maharashtra
and another)

Mr. Sudhir K. Chavan, Advocate for the petitioner
Mr. S.G. Karlekar, A.G.P. for the respondents/State

CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.

DATE : 26th NOVEMBER, 2018

ORDER :

Mr. Chavan, learned counsel for the petitioner submits that Original Application No.143 of 2017, filed by the petitioner, has been dismissed by the Maharashtra Administrative Tribunal ("Tribunal", for short), only on the basis of the judgment delivered by the Tribunal in another Original Application, without considering the case put forth by the petitioner. The petitioner possesses the certificate of Diploma in Medical Laboratory Technician (D.M.L.T.) of the Institute under the Central Government. According to the learned counsel, since the equivalence has to be considered by the State Government, the said certificate ought to have

been considered by it. The learned counsel relied on the Government Resolution dated 23rd August, 2011.

2. The learned A.G.P. Submits that under the Rules, the "Government" would be the State Government. The petitioner does not possess the certificate of D.M.L.T. from the Institute recognized by the State Government. The Govt. Resolution dated 23rd August, 2011, relied upon by the petitioner, is not applicable in the present case.

3. The petitioner had applied pursuant to the advertisement for the post of Laboratory Assistant. The petitioner was held to be not eligible on the ground that he possesses D.M.L.T. From the Institute under the Central Government and not the State Government. The Govt. Resolution dated 23rd August, 2011 would not enure to the benefit of the petitioner. The said Govt. Resolution states that if the Central Government has granted equivalence to the certificate provided by it, then the State Government has to consider it. Nothing is produced on record to show that the Central Government has granted equivalence to the Diploma Certificate in question. In view of that, the Govt. Resolution dated 23rd August, 2011 would not apply.

4. Considering the above, no case is made out for interference. The Writ Petition, as such, is dismissed. No costs.

[R.G. AVACHAT]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

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