

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10605 OF 2014

Champat Dhansing Chavan

...Petitioner

Versus

The Chairman / Secretary,
Maharashtra Public Service
Commission & Anr.

...Respondents

Mr. Kishor S. Patil for Petitioner.

Mr. N. C. Walimbe – AGP for State Respondent No. 2.

**CORAM: SMT. V. K. TAHILRAMANI, Acting C. J. &
M. S. SONAK, J.**

DATE : 13 JUNE 2018

P.C. :

1] Heard the learned counsel for the petitioner and the learned AGP for the State – Respondent No. 2.

2] The challenge in this petition is to the judgment and order dated 31st July 2014 made by the Maharashtra Administrative Tribunal (MAT) dismissing the petitioner's Original Application No. 1078 of 2011. The petitioner had instituted the Original Application to question the order dated 24th October 2011 made by the Maharashtra Public

Service Commission (MPSC) declaring the petitioner ineligible to be considered for admission to the post of Assistant Engineer (Electrical), Grade - 2, in Maharashtra Electrical Engineering Services, Group - B post.

3] The issue in the present case is whether the qualifications possessed by the petitioner can be held as equivalent to the degree of B.E. (Electrical). The MAT, in the impugned judgment and order, has observed that the petitioner has not produced any order / GR of the Government of Maharashtra recognizing B.E. (Electricals) as equivalent to B. E. (Electronics).

4] However, Mr. Patil, the learned counsel for the petitioner states that several GRs had been produced on behalf of the petitioner in the course of the arguments. Such statement has been made in the petition. However, we are not prepared to proceed on the basis of such statements. Admittedly, the petitioner, had not annexed any such GRs to the memo of the Original Application.

5] The learned counsel for the petitioner has however

annexed to this petition the GRs dated 25th April 1990 and GR dated 2nd December 2013. He submits that in terms of these GRs, the equivalence is established. The learned counsel for the petitioner has also handed in yet another GR dated 23rd May 2014 and has submitted that even this GR exposes that qualification of B.E. (Electronics) is equivalent to B.E. (Electrical).

6] According to us, it will not be appropriate to examine all such GRs for the first time in the present writ petition. Mr. Walimbe, the learned AGP also submits that the State must have suitable opportunity of dealing with such additional material. Therefore, we deem it appropriate to set aside the impugned judgment and order dated 31st July 2014 and to remand the matter to MAT for fresh consideration of the petitioner's Original Application No. 1078 of 2011, *inter alia* in the light of such additional material. Further, in the interests of justice, we deem it appropriate to grant the petitioner leave to produce such additional material before the MAT, so that the Original Application No. 1078 of 2011 is disposed of afresh on its own merits and in accordance with the law.

7] Accordingly, we dispose of the present petition with the following Order :

(A) The impugned order dated 31st July 2014 is hereby set aside;

(B) The matter is remanded to the MAT for fresh adjudication in Original Application No. 1078 of 2011;

(C) We grant the petitioner leave to produce additional material before the MAT including but not restricted to the GRs referred to in the present order;

(D) The MAT is requested to dispose of Original Application No. 1078 of 2011 afresh on its own merits and in accordance with law taking into consideration such additional material;

(E) We make it clear that we have not adjudicated upon the merits of the matter and therefore all

contentions of all parties are left open;

(F) The parties to appear before the MAT on 9th July 2018 at 11.00 a.m. and file authenticated copy of this order;

(G) All concerned to act on basis of authenticated copy of this order.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

CHANDKA