

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

29 WRIT PETITION NO.9262 OF 2018

KOLE NAGNATH VINAYAKRAO

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Petitioner : Dr. Godbole R. J.
AGP for Respondent State: Mr. S. G. Karlekar

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 29th January, 2019

ORDER:

1. Pursuant to the advertisement issued by the respondents, the petitioner applied for the post of Senior Research Officer. The petitioner was not called for the interview. The reasoning was that the petitioner did not possess necessary experience. The petitioner filed original application before the Maharashtra Administrative Tribunal, Aurangabad. The same is dismissed. Aggrieved thereby, the present petition.

2. Mr. Godbole, the learned Advocate for the petitioner strenuously contends that going by the letters of advertisement the petitioner possesses the necessary qualification and experience. The petitioner has worked on the project of the Rural Credit Market and Farmers Indebtedness in Marathwada Region of Maharashtra State from 1st February, 2010 till 31st January, 2012. The petitioner has been working as Research Assistant (Economic Department) of Dr. Babasaab Ambedkar Marathwada University since

17.05.2013 till this date. The petitioner has intensively worked in the field of social welfare. The learned Advocate further contends that the word "social welfare" has not been defined in the advertisement. The literature available categorically leads to the inference that the work performed by the petitioner is within the orbit of the term "social welfare". Learned Advocate further submits that the post is reserved for physically disabled person. The petitioner is a physically disabled person. The petitioner qualifies each and every condition in the advertisement. The respondents cannot deny the petitioner his right only on the ground that his nature of work is in the field of tribal. Advertisement speaks otherwise. The respondents are bound by the terms and conditions detailed in the advertisement. They cannot travel beyond the advertisement. The tribunal has failed to consider this aspect of the matter. In the official paper, the concept of social welfare by S.D. Punekar, the works undertaken for economically underprivileged, destitute and unemployed etc. are within the purview of experience in social welfare. The petitioner was and is eligible to be considered for the post of Senior Research Officer as per the advertisement. The respondents be directed to appoint the petitioner on the said post.

3. Mr. Karlekar, learned A. G. P. submits that the petitioner does not have any experience in the tribal development or tribal research. The nature

of duties involved for the post of Senior Research Officer, as per the advertisement is to assist the scheduled tribe Scrutiny Committee and even has to act as a member of the said Committee. As the petitioner did not possess any experience in the field of tribal research or in the field of tribal welfare, the petitioner is not considered. Three applications were received for the post. None of the applicants was eligible, as such, no candidate was appointed on the said post pursuant to the advertisement.

4. We have considered the submissions canvassed by the learned counsel for the respective parties. It is not disputed that the petitioner possesses necessary qualification for the post. Dispute is regarding experience. Clause 4.4 of the advertisement provides the experience to be possessed by the candidates, which reads:

"Possess practical experience for a period of not less than three years in any field of tribal, social welfare or tribal research".

Nature of duties to be performed by the Senior Research Officer, pursuant to the advertisement, reads as under:

1.	To work as member of Scheduled Tribe Scrutiny Committee.
2	To work according to the provisions of Maharashtra Scheduled Caste, Scheduled Tribe, N.T., V.J.N.T., OBC, SBC, Act, 2000 for issuance and verification of Caste Certificate (2001 Maharashtra Notification No.23).

3.	To follow the guidelines laid down in Spl. Leave Petition filed by Ku. Madhuri Patil Vs. Additional Commissioner & other while verifying the S.T. Caste Certificate claims.
4.	To find out lacunas in the scheduled tribe caste verification claims and submit them to the superiors.
5.	To collect the various information from literature and documentary evidence pertaining to Scheduled Tribes and use them while verifying the claims.
6.	To collect the various information from literature and documentary evidence pertaining to Scheduled Tribes & use them in court matters.
7.	To carry out the work given by Vice-Chairman/Joint. Commissioner of Scheduled Tribe Scrutiny Committee.
8.	To participate in day to day working of the Scheduled Tribe Scrutiny Committee.
9.	To assist and to guide the research Officers working in Scheduled Tribe Scrutiny Committee as well as in vigilance Cell.
10.	Any other work entrusted by the Superior authorities.

5. The post for which the advertisement issued was of Senior Research Officer (Tribal Development Department). The post was reserved for physically disabled candidate. The appointment as Senior Research Officer is in tribal development department. It is true that terminology 'social welfare' has not been defined in the advertisement. Advertisement is vague on that count. However, same will have to be read analogous to the post for which the advertisement is issued.

6. The Senior Research Officer is required to perform the duties as enlisted above. The work in the social welfare will not be relevant. Be that as it may, the expert committee scrutinizing the application is a best judge to evaluate the experience possessed by a candidate qua the advertisement and the post for which advertisement is issued. The Court would not sit as an appellate authority over the decision of the expert members. Suitability of candidates qua the experience would be considered best by the experts, scanning and scrutinizing the applications. The Court would not substitute its wisdom in place of experts.

7. The Experts have considered and found that the petitioner does not possess requisite experience in the required field. They have considered that the project on which the petitioner worked does not come within the ambit of experience required as per clause 4.4 in the advertisement and practical experience is not possessed by the applicant.

8. In the light of above, no relief can be granted to the petitioner. Writ petition, as such, is disposed of. No costs.

(A. M. DHAVAL, J.)

(S. V. GANGAPURWALA, J.)

JPC