

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

WRIT PETITION NO. 8158 OF 2010

Nandan Madhavrao Patil,
Age : 44 years, Occu. : Service
as Electrician in the office of
Shri Bhausahab Hire Government
Medical College and Hospital Dhule,
R/o. 42, Shramsafallya Colony,
Walwadi Shivar, Deopur, Dhule,
Tal. And Dist. Dhule.

.. Petitioner

Versus

- 1) The State of Maharashtra
Through its Secretary,
Medical Education and
Research Department,
Mantralaya, Mumbai.
- 2) The Director,
Medical Education and
Research, Maharashtra State,
Mumbai.
- 3) The Dean,
Shri Bhausahab Hire
Government Medical College
Dhule, Tal. & Dist. Dhule.

.. Respondents

Mr. V. D. Gunale, Advocate for the Petitioner.

Mr. S. B. Yawalkar, Addl. G. P. for Respondents-State.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 21st FEBRUARY, 2020.

ORAL JUDGMENT (PER S. V. GANGAPURWALA, J.) :-

. The petitioner was appointed as a Lift Operator by the respondents on 10.05.1999. Under order dated 30.11.1999 the petitioner was promoted temporarily as an Electrician. The petitioner worked as an Electrician. On 17.05.2002 order was passed by the respondents reverting the petitioner to the post of Lift Operator. The petitioner assailed the said order before the Maharashtra Administrative Tribunal. The Tribunal initially granted interim protection to the petitioner. Eventually, the Tribunal dismissed the original application under judgment and order dated 05.08.2010. The petitioner assails the said order in the present writ petition.

2. This Court under order dated 15.09.2010 granted rule and interim relief in terms of prayer clause (D). The order of reversion is stayed by this Court under interim order. The petitioner continued to officiate as an Electrician.

3. The grounds on which the petitioner seems to have been reverted are that (i) The petitioner does not possess the trade certificate of Electrician. He possessed the trade certificate of Wireman. (ii) The petitioner did not possess five years experience as a Wireman.

4. We have heard Mr. Gunale, learned counsel for the petitioner and

Mr. Yawalkar, learned Additional Government Pleader for the respondents.

5. The learned counsel for the petitioner submits that the petitioner has acquired the certificate of Electrician on 20.09.2014 from I.T.I. The learned counsel submits that the copy of the same is placed on record.

6. Mr. Yawalkar, learned Addl. G. P. submits that the petitioner was not possessing the qualification at the time, the petitioner was promoted or even at the time when he was reverted. The petitioner's promotion was a stop gap arrangement because of the exigency of the circumstances.

7. We have considered the submissions canvassed by the learned counsel for respective parties.

8. In the affidavit filed by the respondents, the only objection appears to be that the petitioner does not possess the certificate of Electrician course which is the basic qualification for the post of Electrician. The petitioner was asked to produce the said certificate, however, the petitioner produced the certificate of Wireman. Apart from that, we do not find any other disqualification for the petitioner not to be considered to the post of Electrician.

9. The petitioner now contends that he has been issued with the certificate of Electrician from I.T.I. The petitioner now possesses the said qualification.

10. The petitioner for all these years i.e. for almost 20 years is working on the post of Electrician. The petitioner by now has acquired the qualification of Electrician, so also has now acquired the experience of Electrician having worked on the said post for almost 20 years.

11. In the light of the above, we set aside the impugned order of the Tribunal, so also the order reverting the petitioner issued by the respondents. The petitioner shall submit the certificate of Electrician obtained by him with the respondents. The respondents shall consider the said certificate and if the said certificate is in order and there is no other impediment, then the respondents may continue the petitioner on the post of Electrician.

12. Rule accordingly made absolute in the above terms. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.