

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5851 OF 2023

Pramod s/o. Prabhakar Rao KulkarniPetitioner

V/s.

The State of Maharashtra and anr.Respondents

ALONGWITH

WRIT PETITION NO. 6323 OF 2023

Ninad s/o. Kishan ChavanPetitioner

V/s.

The State of Maharashtra & anr.Respondents

Mr. D.R. Irale Patil , Advocate for the Petitioner.

Mr. B.V. Samant, AGP for the State.

**CORAM : DHIRAJ SINGH THAKUR, &
SANDEEP V. MARNE, JJ.**

Date : 23 June 2023.

P.C. :

1. These two writ petitions filed by the Petitioners challenge judgment and order dated 8 March 2023 passed by the Maharashtra Administrative Tribunal (**Tribunal**) in Original

Application No. 695/2018 by which the Tribunal has declined to grant any relief to them while granting relief in favour of the three applicants in the Original Application. O.A. No. 695/2018 was instituted by five applicants claiming the benefit of counting 3/8th services rendered as Junior Engineer/Sectional Engineer while granting deemed date of absorption in the category of Assistant Engineer (Electrical). The Tribunal has granted relief only to applicants no.2, 3 and 4 and has rejected the same to the Petitioners, who were applicants no.1 and 5 in the OA.

3. The short issue involved before us is about entitlement of degree holder Junior Engineer/Sectional Engineer to benefits under G.R. dated 29 November 1984. We are informed that under that G.R., benefit of counting 3/8th services rendered on the post of Junior Engineer/Sectional Engineer is admissible while granting deemed date of absorption in the category of Assistant Engineer (Electrical) upon acquisition of degree in engineering.

4. The State Government notified Recruitment Rules in the year 2009 (page 82) which admittedly do not contain any provision for grant of weightage to degree holder Junior Engineer/Sectional Engineer. The Tribunal has arrived at a finding that the scheme for grant of benefit to degree holder Junior Engineer/Sectional Engineer as per the G.R. dated 29

November 1984 remained in vogue only till introduction of Recruitment Rules, under which grant of such benefit was discontinued. The Tribunal held that applicants no.2, 3 and 4 had completed graduation prior to coming into force of the Recruitment Rules and therefore proceeded to grant them the benefit. We are not called upon to decide the correctness of the benefit granted in favour of applicants no.2, 3 and 4. Petitioners claim that they also deserve to be granted same benefit as they also hold graduation qualification. The Tribunal has however proceeded to decline the benefit to Petitioners on the ground that they have acquired graduation qualification after coming into force of the Recruitment Rules.

5. There is no denial to the fact that Petitioners have acquired A.M.I.E./B.E. Degree on 6 September 2010 and 20 March 2015 respectively. The Recruitment Rules have come into effect from 16 May 2009. Admittedly, no additional benefit is admissible to any employee for possessing qualification of Degree in Engineering. The scheme of grant of additional weightage under the GR dated 29 November 1984 would come to end after promulgation of Rules. Rules would prevail over administrative instructions issued in the form of GR. The Tribunal in our view has rightly denied benefit to the Petitioners.

6. Resultantly, we find petitions filed by the Petitioners to be devoid of merits. The Writ Petitions are accordingly dismissed without any orders as to costs.

(SANDEEP V. MARNE, J.) (DHIRAJ SINGH THAKUR, J.)

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