

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

WRIT PETITION NO.2224 OF 2024

Deore Sachin Babaji & Ors.

..Petitioners

Versus

The State of Maharashtra,
through the Commissioner State
Selection Board and/or the Commissioner
for Soil & Water Conservation Dept. & Ors.

..Respondents

Mr. Mihir Desai, Senior Advocate a/w. Mr. Ashish S. Gaikwad, Mr. Savita Gaikwad, Mr. Bhavana R. Khichi and Mr. Anirudh R. Rote for the Petitioners.

Mr. B. V. Samant, Addl. G. P. a/w. Mr. S. H. Kankal, AGP for the Respondent (State).

**CORAM : A. S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE : 16th FEBRUARY 2024

P.C.:

1. Not on board, upon mentioning taken on board.
2. The challenge raised in this writ petition is to the interlocutory order dated 14th February 2024, passed by the Maharashtra Administrative Tribunal (for short “the Tribunal”), thereby refusing to grant interim relief sought by the Petitioners.
3. An advertisement was issued by the Soil and Water Conservation Department of the State Government for the post of Water

Conservation Officer (Class II) as well as Sub-divisional Water Conservation Officer (Class I) and Water Conservation Officer (Class II) by the Maharashtra Public Service Commission (MPSC) on 29th December 2023. The education qualification prescribed was Diploma in Civil Engineering or Degree in Civil Engineering or any other equivalent qualification as prescribed. The Petitioners herein claim to have acquired the degrees of B.Tech./M.Tech. in Agricultural Engineering and Technology. They contend that by virtue of the Government Resolution dated 26th August 2011, the aforesaid qualification has been treated as equivalent by the Central Government and hence, the State Government also is required to consider such equivalence. The Tribunal has proceeded to hold *prima-facie* that there is no equivalence of qualifications possessed by the Petitioners with those indicated in the advertisement. For that reason, it has refused to grant any interim relief.

4. We have perused the documents on record and we find that the advertisement seeks to undertake recruitment on about 670 posts. The same has been issued after about 5 years from the previous advertisement. The last date for submitting the application forms was 25th January 2024 and the Tribunal by its interim order dated 23rd January 2024 observed that in case interim relief was to be granted, it would extend the last date for submission of the application forms qua

the Petitioners.

5. *Prima-facie*, considering the education/qualification possessed by the Petitioners along with Government Resolution dated 26th August 2011 coupled with the fact that in the advertisement dated 23rd December 2023 provides for eligibility on the basis of equivalence, we are inclined to permit the Petitioners to appear for the examination scheduled on 20th February 2024. This would be without prejudice to the rights and contentions of the Respondents and the Petitioners would not be entitled to claim any equity in that regard. The appearance of the Petitioners said in the examination shall be treated as provisional and subject to outcome of the present proceedings.

6. Accordingly, issue notice to the Respondents making it returnable on **15th March 2024**. There shall be ad-interim relief in terms of prayer clause (e). The results of the Petitioners appearance in the said examination shall not be declared without leave of the Court. It is clarified that this ad-interim direction pertains only to the Petitioners herein.

7. The parties to act on an authenticated copy of this order.

(JITENDRA JAIN, J.)

(A. S. CHANDURKAR, J.)