

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

25 WRIT PETITION NO.8874 OF 2025

Sanjay Bhagwanrao Bansode

.. Petitioner

Versus

The State of Maharashtra and Another

.. Respondents

.....

Smt. Preeti Ramrao Wankhade, Advocate for the Petitioner
Shri. A. R. Kale, Addl. G.P. for Respondent Nos.1 & 2 / State.

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CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : JULY 21, 2025

PER COURT :-

. Heard learned Advocate for the Petitioner and learned Addl. G. P.
for Respondent Nos.1 and 2.

2. This Petition is directed against the Order dated 16.07.2025
passed by the learned Maharashtra Administrative Tribunal (for short,
'learned Tribunal') dismissing the Original Application No.723 of 2025
(hereinafter referred to as the 'O.A.') preferred by the present Petitioner
against his disqualification from the recruitment to the post of Professor
(Obstetrics and Gynecology), Government Medical Colleges, Medical
Education & Research Services, Group- 'A'.

3. It is submitted by learned Advocate for the Petitioner that, the
Petitioner responded to the advertisement dated 19.12.2024 issued by
Respondent No.2 for recruitment on the said post. The Petitioner fulfills

three (3) conditions, except one (1) which was in respect of completion of basic course in Biomedical Research from Institutions designated by NMC. The Petitioner has completed the said basic course, but after the date of the said advertisement. In the year 2021 when the Petitioner had applied for the same post pursuant to the advertisement issued by Respondent No.2, wherein similar qualification was prescribed, the Petitioner was called for the interview. In the previous recruitment process, Respondent No.1 had issued appointment order to one of the candidates wherein it was mentioned that, it was necessary to complete the said basic course, implying that said qualification can be acquired post appointment. This shows that, previously Respondent No.1 had condoned the requirement of the said basic qualification though it was shown in the advertisement and this year they have disqualified the Petitioner on the ground that, he was not having the said basic qualification. She submits that, though the Petitioner had submitted the Representation to the Respondent No.2 pursuant to the note given in the communication holding the Petitioner and other three (3) candidates as not eligible, the Respondent No.2 has not responded and therefore, the Petitioner had approached the learned Tribunal. She submits that the learned Tribunal without calling the Respondent No.2 – MPSC, heard the Presenting Officer who appeared for Respondent No.1 – State and dismissed the O.A. She submits that since the Petitioner was called for the interview in the previous selection process for the same post, notice

be issued to the Respondents and the Petitioner be allowed to appear for the interview which is scheduled on 23rd of this month and the result be kept in a sealed cover till the Petition is decided.

4. The Petition is opposed by learned Addl. G.P. appearing for the Respondent Nos.1 and 2. He submits that the Petitioner was not having the required necessary experience as prescribed in the said advertisement. He submits that the learned Tribunal has rightly passed the impugned order and does not call for any interference.

5. We have perused the papers on record. The advertisement to which the Petitioner had responded is at page no.52 of the Writ Petition at annexure 'D'. The said advertisement was issued by Respondent No.2. The relevant column from the said advertisement is reproduced below:

1	Professor in Orthopaedics	M.S. (Orthopaedics) / DNB (Orthopaedics)	i) Associate Professor in the Subject for three years in a permitted / recognized Medical College/ Institution. ii) Should have at least four Research publications (at least two as Associate Professor) [only original papers, meta-analysis, systematic reviews, and case series that are published in Journals Indexed in Medline, PubMed, Central Science Citation Index, Science Citation Index, Expanded Embase, Scopus, Directory of Open Access Journals (DoAJ) will be considered]. (iii) Should have completed the basic course in Medical Education Technology from Institutions designated by NMC. (iv) Should have completed the basic course in Biomedical Research from Institutions designated by NMC.
2	Professor in Obstetrics and Gynaecology	M.D. (Obstetrics and Gynaecology) / M.S. (Obstetrics and Gynaecology) / DNB (Obstetrics and Gynaecology)	
3	Professor in Anaesthesiology	M.D. (Anaesthesiology) / M.S. (Anaesthesiology) / DNB (Anaesthesiology)	
4	Professor in Pediatrics	M.D. (Pediatrics) / DNB (Pediatrics)	
5	Professor, General Medicine	M.D. (Medicine) / M.D. (General Medicine) / Diplomate of National Board (Medicine) / Diplomate of National Board (General Medicine)	

6. From the papers on record, it is seen that the Petitioner has completed the said basic course, but after a period of six (6) months of advertisement. There is nothing to show that Respondent Nos.1 and 2

had condoned the said required experience / qualification and had appointed any person in the previous round of recruitment. Even it cannot be inferred so from the copy of the appointment order which is at page no.100 in respect of some other candidate from the previous recruitment process. However, the fact remains that the advertisement to which the Petitioner applied mandates the requisite qualification / experience as on the date of the advertisement. We have perused the impugned order of the learned Tribunal. The relevant observation from the said order reads as follows:

“7. In view of the above submissions particularly learned counsel for the applicant has placed reliance on the notification dated 30.06.2025 particularly clause (h) thereof, we have directed learned Presenting Officer to take specific instructions as to whether Table-B, Sr. No. 02 of the said notification dated 30.06.2025 read with clause (h) is applicable to the case of the applicant.

8. In this context, learned Presenting Officer has placed before us communication dated 15.07.2025 received from the respondent, MPSC, wherein it is specifically pointed out that NMC has issued said notification dated 30.06.2025 and in terms of the clause No. 1(2) the effect of the said notification has been given from 30.06.2025. Thus, the said notification cannot be made applicable retrospectively to the present recruitment, which is pursuant to the advertisement published on 19.12.2024.

9. Learned counsel for the applicant though tried to assail the said communication by submitting that these instructions should have been given by the other respondents, however, according to us from whom the instructions received may not be relevant and the question remains as it is as to whether the said circular can be read and made applicable to the present advertisement retrospectively. According to us, the answer is in the negative.

10. In view of the above, we find no fault in the impugned communication dated 30.06.2025 declaring the applicant ineligible to consider for the said post. Hence, the following

order is passed: -

ORDER

- (i) The Original Application is hereby dismissed.*
- (ii) In the circumstances there shall be no order as to costs.*
- (iii) Accordingly, the Original Application is disposed of.*
- (iv) Steno copy be provided to both the parties.”*

7. Our attention is also invited to the Notification of Medical Commission dated 30.06.2025 which grants exemption from having the said basic course and other conditions. The said Notification admittedly came in force from the date of its publication in the Official Gazette i.e. 30.06.2025, which is admittedly after the date of the advertisement. Therefore, the said Notification is of no assistance to the Petitioner. Moreover, at Page No.77 there is copy of the application form submitted by the Petitioner pursuant to the said advertisement, is with the declaration which reads as under:

“Declaration

I SANJAY BHAGWANRAO BANSODE hereby declare that I have read the advertisement / notification for the post(s) and read the information about the post(s) carefully, I accept it. I have assured for myself that I fulfill all the terms and conditions mentioned in the advertisement / notification. All the information, provided in this application is true and correct to the best of my knowledge. I am aware that I will be liable for appropriate action (including loss of the job) if the information provided is found to be incorrect. I the undersigned hereby authorize and give consent to M.P.S.C. for using my Aadhar details for verification of my identity.

Last Updated on 13/01/2025

Location JALGAON

Sd/-”

8. In view of the above discussion, we do not see that learned Tribunal has committed any error in passing the impugned Order.

We find no merit in the Writ Petition. Hence, we pass the following order.

O R D E R

- (i) The Petition is dismissed.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP