IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4505 OF 2024

1. Rupchand S/o Mahadeo Itwale
Aged about 40 Years, Occ: Service,
(Track Maintainer Central Railway),
R/o. At Vihirgaon, Post Sangadi
Tah. Sakoli, District Bhandara.
(M):9923149799.

2. Bandu S/o Ramdhan Chavhan
Aged about 30 Years, Occ: Nil,
R/o. Ward No.4, Sarangapur,
P.O. Jiwati, Dist. Chandrapur-08.
(M): 9850579750. **PETITIONERS**

Versus

1. The State of Maharashtra
Rural Development Department
Mantralaya, Mumbai-32,
Through its Secretary.

2. The State of Maharashtra
General Administration Department
Mantralaya, Mumbai-32,
Through its Secretary.

3. Zilla Parishad, Gadchiroli
Through its Chief Executive Officer,
Zilla Parishad, Gadchiroli. **RESPONDENTS**

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Mr. P.R. Sharma, Advocate h/f Mr. V.P. Marpakwar, Advocate for the Petitioners.
Mr. Sachin Narale, AGP for the Respondent Nos.1 & 2/State.
Mr. D.V. Mahajan, Advocate for the Respondent No.3.

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CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATED : 17th JANUARY, 2025

ORAL JUDGMENT :- (PER : AVINASH G. GHAROTE, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by the consent of the learned Counsels appearing for the rival parties.

3. The Petition questions the list published by the Respondent No.3 of ineligible candidates dated 27.06.2024 (page 29), by which the Petitioners have been held to be ineligible to be appointed as Civil Draftsman by the Respondent No.3 in pursuance to the advertisement No.01/2023 (page 14), on the ground that the qualification of the Petitioners (page 44

and 46), do not satisfy the requirement of clause 4(iii) Appendix VI under Rule 5 of the Maharashtra Zilla Parishads District Services (Recruitment) Rules, 1967 (hereinafter to be referred as the "Rules of 1967" for short).

4. Mr. Sharma, learned Counsel appearing for the Petitioners, relies upon the Government Resolution dated 28.09.2012 (page 32) and the Appendix-A annexed thereto which indicates, that the course of C.C. in Architect Draftsman and C.C. in Draftsman Civil has been held to be equivalent to Draftsman Civil. He therefore submits, that when the State has granted equivalence to the above said courses, the rejection of the candidature of the Petitioners on this ground is not sustainable.

5. Mr. Mahajan, learned Counsel for the Respondent No.3, submits that what is required in terms of the Rule is a qualification of a Civil Draftsman, and therefore, since this has not been satisfied by the Petitioners, the rejection of their candidature was clearly justified. He further submits, that the Rule would always prevail upon the Circular, and therefore,

when the Rule requires a Civil Draftsman as the basic qualification, the Circular would not come to the benefit of the Petitioners. In support of this, he places reliance upon ***Ashok Ram Parhad and Others Vs. State of Maharashtra and Others, 2023 SCC OnLine SC 265***.

6. Mr. Narale, learned AGP for the Respondent Nos.1 and 2/State, supports the contention of Mr. Mahajan, learned Counsel for the Respondent No.3.

7. For the purpose of the present Petition Rule 10-A(3) being material, is reproduced as under:

> *"10-A(3) Notwithstanding anything contained in these rules, whenever any Class III and Class IV posts in any District Services are to be filled from amongst the Panchayat Servants the upper age limits prescribed for appointment to the posts in the District Services under the relevant recruitment rules shall be relaxable upto forty-five years of age in respect of such Panchayat Servants :*
>
> *Provided that the Panchayat Servant shall be appointed subject to the educational qualification, experience, etc. required to be possessed by candidate for and methods of appointment to the posts in the District Services and posts thereunder as specified in Appendices I to XIII."*

8. Appendix VI clause 4 sub clause (iii), which prescribes the qualification of candidates for and methods of appointments to the posts included in the District Technical Service (Class III) (Engineering) and Districts Service (Class III) (Subordinate Engineering), as prescribed under Rule 5 of the Rules of 1967 for the post of Junior Draftsman, read as under:

> *"4(iii) Junior Draftsman:*
>
> *(1) Appointment shall be made either-*
>
> *(a) by promotion from amongst suitable Tracers, who have completed continuous service of not less than three years on that post;*
>
> *OR*
>
> *(b) by nomination from amongst candidates who-*
>
> *(i) unless already in the service of the Zilla Parishad, are not more than 25 years of age;*
> *(ii) have passed SSC Examination or possess an equivalent qualification; and*
> *(iii) have successfully completed a course of Civil Draftsman recognised by the State Government.*
>
> *(2) The ratio of appointment by promotion and nomination shall be 3:1."*

9. What is necessary to note, is that clause 4(iii)(1)(b)(iii) which prescribes the qualification for the post of Junior Draftsman, indicates that a person should have successfully

completed a course of Civil Draftsman recognized by the State Government. This would naturally indicate, that such recognition, has to be prescribed by the State, which can be by way of Circular or Resolution.

10. In the instant matter, by the Government Resolution dated 28.09.2012 (page 34), the equivalence has been prescribed, which is as under:

शासन निर्णय क्रमाक.व्हाआसा.२०१२/५९१/प्र.क्र.२४५(ब)/व्यशि-४, दिनांक २८ सप्टेंबर, २०१२

सोबतचे परिशिष्ट अ

महाराष्ट्र राज्य व्यवसाय शिक्षण परीक्षा मंडळ यांचेमार्फत राबविण्यात येणारे ०१ वर्ष व २ वर्ष कालावधीच्या अभ्यासक्रमांना औद्योगिक प्रशिक्षण संस्थांमार्फत राबविण्यात येणा-या अभ्यासक्रमांशी पर्यायी शैक्षणिक अर्हता निश्चित करण्यास मान्यता दिलेल्या अभ्यासक्रमांची यादी.

अ. क्र.	औद्योगिक प्रशिक्षण संस्था			व्यवसाय शिक्षण परीक्षा मंडळातील समकक्ष अभ्यासक्रम			
	व्यवसाय अभ्यासक्रम	कालावधी	शैक्षणिक अर्हता	अ. क्र.	व्यवसाय अभ्यासक्रम	कालावधी	शैक्षणिक अर्हता
४	ड्रॉफ्टसमन सिव्हिल	२ वर्ष	एस.एस.सी	१) २)	सी.सी.इन आर्किटेक्ट ड्रॉफ्टसमन सी.सी.इन ड्रॉफ्टसमन सिव्हिल	२ वर्ष २ वर्ष	एस.एस.सी

11. This would clearly indicate that person who has completed the course of C.C. in Architect Draftsman or C.C. in Draftsman Civil, is entitled to be considered for the purpose of recruitment as a Civil Draftsman.

12. The certificates which have been filed by the Petitioners at page 44 and 46, indicate that they have indeed done such courses conducted by the Maharashtra State Board of Vocational Examinations, on account of which, since it has been declared an equivalent qualification in terms of the Government Resolution dated 28.09.2012, the rejection of the candidature of the Petitioners cannot be countenanced.

13. The reliance placed by Mr. Mahajan, learned Counsel for the Respondent No.3, upon ***Ashok Ram Parhad*** (supra) is of no assistance, for the reason that in the present matter, the Appendix itself grants authority to the State to prescribe equivalence as is indicated in the language quoted above.

14. In that view of the matter, the Petition is **allowed**.

15. The list of rejected candidates dated 27.06.2024 (page 29), insofar as the present Petitioners are concerned, is hereby quashed and set aside and it is held that the Petitioners are entitled to be considered for the post of Civil Draftsman.

16. The Respondent No.3, is therefore directed to take appropriate steps in this regard as early as possible and in any case within a period of four weeks from today.

17. Rule is made absolute in the above terms. No costs.

18. Pending applications, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.) **(AVINASH G. GHAROTE, J.)**

S.D.Bhimte

Signed by: Mr.S.D.Bhimte
Designation: PA To Honourable Judge
Date: 20/01/2025 14:53:11