



9-WP-995-26....

1/11

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.995 OF 2026

1. The State of Maharashtra,
Through its Principal Secretary,
Water Resources & Irrigation Deptt,
Mantralaya, Mumbai – 400032
2. The President,
Coordination Committee & Chief
Engineer, Water resource Department,
Kokan Division Mumbai
3. The Superintending Engineer & Zonal
Officer, Vigilance Unit Irrigation Department,
Amravati

... Petitioners

-vs-

Gayatri Chandrashekhar Yadgire,
Aged about 26 years, Occ. Nil,
R/o Parlam, Tah. Bhatkuli,
Distt. Amravati

... Respondent

WITH

WRIT PETITION NO.1046 OF 2026

1. The State of Maharashtra,
Through its Principal Secretary,
Water Resources & Irrigation Deptt,
Mantralaya, Mumbai – 400032
2. The President,
Coordination Committee & Chief
Engineer, Water resource Department,
Kokan Division Mumbai
3. The Superintending Engineer & Zonal
Officer, Vigilance Unit Irrigation Department,
Amravati

... Petitioners

-vs-

1. Sachin Dattatray Junghare,
Aged about 34 years, Occ. Student,
R/o Deurwadi Punarvasan Arni,
Tq. Arni, Dist. Yavatmal
2. Snehal Chhatrapati Sonule,
Aged about 30 years, Occ. Student
R/o Sharmik Nagar, Ward No.9,
Mul, Tah. Mul, Distt. Chandrapur
3. Prakash Dnyaneshwarrao Latkar,
Aged about 28 years, Occ. Student,
R/o Ramthirtha Post Umari,
Tah. Ralgao, Distt. Yavatmal

... Respondents

WITH
WRIT PETITION NO.1052 OF 2026

1. The State of Maharashtra,
Through its Principal Secretary,
Water Resources & Irrigation Deptt,
Mantralaya, Mumbai – 400032
2. The President,
Coordination Committee & Chief
Engineer, Water resource Department,
Kokan Division Mumbai
3. The Superintending Engineer & Zonal
Officer, Vigilance Unit Irrigation Department,
Amravati

... Petitioners

-vs-

Purushottam Ganeshrao Mankar,
Aged about 29 years, Occ. Nil,
R/o At Po. Kapustalni,
Tq. Anjangaon Surji, Distt. Amravati

... Respondent

WITH
WRIT PETITION NO.1053 OF 2026

1. The State of Maharashtra,
Through its Principal Secretary,

Water Resources & Irrigation Deptt,
Mantralaya, Mumbai – 400032

2. The President,
Coordination Committee & Chief
Engineer, Water resource Department,
Kokan Division Mumbai
3. The Superintending Engineer & Zonal
Officer, Vigilance Unit Irrigation Department,
Amravati

... Petitioners

-vs-

Ankit Shyamlal Thakare,
R/o Plot No.B7/63, Rambhumi Housing
Society, Vinoba Bhawe Nagar, Galli No.2,
Pardi, Nagpur

... Respondent

WITH
WRIT PETITION NO.1108 OF 2026

1. The State of Maharashtra,
Through its Principal Secretary,
Water Resources & Irrigation Deptt,
Mantralaya, Mumbai – 400032
2. The President,
Coordination Committee & Chief
Engineer, Water resource Department,
Kokan Division Mumbai
3. The Superintending Engineer & Zonal
Officer, Vigilance Unit Irrigation Department,
Amravati

... Petitioners

-vs-

Bandu Ramdhan Chavhan,
Aged about 31 years, Occ. Student,
R/o at Post Sarangpur, Tq. Jivati,
Distt. Chandrapur

... Respondent

Ms Kalyani Marpakwar, Assistant Government Pleader for petitioners.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 18th February, 2026

Common Judgment : (Per : Raj D. Wakode, J.)

Since all the above writ petitions involve an identical issue arising out of a common judgment dated 23/06/2025 passed by the learned Maharashtra Administrative Tribunal (MAT), Nagpur, they are heard together and are being disposed of by this common judgment.

2. Heard Ms Kalyani Marpakwar, learned Assistant Government Pleader for the petitioners.

3. The petitioners seek challenge to the common judgment dated 23/06/2025 passed by the learned MAT in respective Original Applications filed by the respective respondents.

4. The petitioner No.2 issued an advertisement inviting online applications for filling of various posts including the posts of Tracer. As per the advertisement, essential qualification for the post of Tracer was passing of S.S.C. examination and course in 'Draftsman Civil'. The respondents in all the writ petitions applied for the post of Tracer for Nagpur Division. As they were eligible, hall tickets were issued and they appeared for Computer based test held on 31/12/2023. All the respondents herein secured position in the

merit list for the aforesaid post of Tracer. The petitioner No.2 published the list of eligible and qualified candidates and called them for document verification. The respondents produced Certificate of S.S.C. and Certificate of 'Diploma in Architect Draftsman'. The petitioner No.2 at the time of document verification did not raise any objection, however, included the names of the present respondents in the list of disqualified candidates for the reason that the respondents were having certificate of 'Diploma in Architect Draftsman' and not of 'Draftsman Civil'. Aggrieved by such inclusion of their names in the list of disqualified candidates, the respondents approached the learned MAT, Nagpur by filing Original Applications. The main thrust in the aforesaid applications was that the State Government itself vide Government Resolution dated 28/09/2012 has conferred equivalence to the 'Diploma of Architect Draftsman' with 'Draftsman Civil' and in view of such equivalence, the present petitioners were not justified in rejecting the candidature of the present respondents.

5. The petitioners/State opposed the aforesaid Original Applications contending that the qualification prescribed for the post of Tracer in the advertisement is 'Draftsman Civil', whereas the applicants therein have obtained the qualification of 'Architect Draftsman'. The Recruitment Rules for the post of Tracer came to be published vide Notification dated 02/04/2016. Thus, though the equivalence was granted vide Government

Resolution dated 28/09/2012, however post Government Resolution dated 28/09/2012, Recruitment Rules were published specifically prescribing qualification of course of 'Draftsman Civil' which came into force vide Notification dated 02/04/2016 wherein qualification for the post of Tracer was prescribed as course of 'Draftsman Civil' and thus the aforesaid Rules shall prevail over the Government Resolution dated 28/09/2012.

6. The learned Tribunal after hearing both the parties allowed the aforesaid Original Applications relying on the aforesaid provisions of Government Resolution dated 28/09/2012 so also the judgment of Hon'ble Supreme Court in case of *Rajesh Kumar Dwivedi vs. State of Uttar Pradesh and anr. (2020) 2 SCC 167*. The relevant paragraphs pointing out the reasons given by the learned Tribunal for allowing such Original Applications read thus :

"6. Few facts are not in dispute that as per advertisement. the requisite qualification for the post of Tracer is Draftsman Civil. All applicants have completed diploma course of two years in Architect Draftsman. Vide G.R. dated 28/09/2012, equivalence is granted to the two years Certificate course in Architect Draftsman with the Draftsman Civil. The respondents have placed on record the Recruitment Rules of the year 2016 wherein under Clause-5 the requirement for the post of Tracer is Draftsman Civil. On that basis, it is argued that after the G.R. of the year 2012, Recruitment Rules have been published having specific requirement of passing of course of Draftsman Civil, therefore, the applicants cannot take benefit of said G.R.

7. The learned counsel appearing for applicants would submit that when once the equivalence is granted by the State Government for educational qualification, then it shall be treated For all purposes. The

*learned counsel for applicants relied on the decision of the Hon'ble Supreme Court in case of **Rajesh Kumar Dwivedi Vs. State of Uttar Pradesh & Ano. (2020) 2 SCC,167.***

The special emphasis is led on para-10 of the decision which reads as below -

“10. It is on the basis of each circular, the Director of Training and Employment of the State has issued circulars on 18-8-1988 and on 9-4-1992 that such qualification will be deemed to be equivalent to the National Trade Certificate. Once the educational qualification has been treated to be equivalent by the State Government in the circulars issued earlier, the stand of the State that appellant is not qualified has no legs to stand. The State itself has treated qualification of basic course in Mechanical Trade Fitter. General Module and Metrology and Engineering Inspection Module equivalent to conventional pattern of Craftsmen Training Scheme. Thus, we find that the stand of the State that the appellant not possessing educational qualification cannot be sustained. The candidature of the appellant was not validly rejected.”

8. In above decision, it is observed that once the educational qualification has been treated to be equivalent by the State Government by issuing Circular, they are precluded from taking stand to deny eligibility on the count of qualification. Moreover, applicants took us through a diploma certificate of one of the candidate namely Sachin Dattatray Junaghare (applicant no.1 in O.A.No.693/2024) issued by the Maharashtra State Board of Vocational Education. It is certified that the applicant Sachin Dattatray Junaghare has successfully completed the diploma course of two years in Architect Draftsman. The Certificate bears a foot note regarding equivalence. The said foot note reads as below

"Note:-

1) This Diploma Course is equivalent to HSSC (All Stream) of Higher Secondary Education Board, Maharashtra State vide GR No. VOC. 2012/591/Ch No.245(A)/Vyashi-4 Dated 28 Sept 2012 of Higher & Technical Education Department Maharashtra State.

(2) Government of Maharashtra vide GR No. Voc-2012/591/ch no. 245 (B)/Vyashi-4 dated 28 Sept 2012 has sanction to the above said course as "Alternate Qualification" to ITI Course

(1) Architectural Assistant, (2) Draftsman Civil."

9. *It is apparent that in terms of G.R. dated 28/09/2012 equivalence was given to the diploma holders of Architect Draftsman to the Draftsman Civil which was the requirement as per advertisement and rules. True, the rest certificates does not bears such foot note, however, there is no tangible reason to make differentiation between the similarly situated Students. Once it is held that the equivalence is given, then it should apply to all eligible diploma holders. It would be unjust and irrational to say that only the diploma holders whose certificate bears equivalence clause are eligible and rest are not. It would be against the spirit of Article 14 of the Constitution of India. In sum and substance, the Government itself has given equivalence to the course of Architect Draftsman with the requirement and therefore rejection of applicants' candidature on said count is unsustainable in law.*

7. Being aggrieved by the aforesaid common judgment, the petitioners-State have approached this Court.

Ms Kalyani Marpakwar, learned Assistant Government Pleader appearing for the petitioners-State has vehemently argued that the Recruitment Rules published vide Notification dated 02/04/2016 specifically provide the qualification of 'Civil Draftsman' and since the present respondents could not satisfy such qualification, rejection of their candidature was justified. She submits that the Rules would always prevail over the Resolution or Circular and when the Rules require a qualification of 'Civil Draftsman' as a basic qualification, Government Resolution would not come to the benefit of the respondents. In support of her contention, Ms Marpakwar has relied upon the judgment of Hon'ble Supreme Court in case of *Ashok Ram Parhad and ors. vs. State of Maharashtra and ors.* reported in **(2023) 18 SCC 768** and *Vanashakti and anr. vs. Union of India and ors.*

reported in **2024 OnLine Bom. 3061**.

8. Perusal of the impugned judgment reveals that the learned Tribunal has relied upon the judgment of the Hon'ble Supreme Court of India in *Rajesh Dwivedi* (supra). In the aforesaid judgment, an identical argument was raised by the counsel for the appellant therein relying upon the provisions of Recruitment Rules and their prevalence over the Government Circular granting equivalence qualification. The relevant paragraphs pointing out the aforesaid argument in the judgment are paragraphs 6 and 7 which read thus :

“ 6. The argument of the learned counsel for the appellant is that the qualification obtained by the candidate in three different modules is treated to be equivalent to the Fitter Trade of two years duration as per the circulars issued by the Government of Uttar Pradesh on 18-8-1988 and 9-4-1992, therefore, the appellant is eligible candidate for appointment to the post of Fitter.

7. The learned counsel for the State has filed an additional affidavit to explain the said three circulars relied upon by the appellant. It is mentioned that the appellant is not possessed of the qualification as mentioned in the Uttar Pradesh Industrial Training Institutes (Instructors) Service Rules, 1991 (for short "the Rules"), as amended in the year 2003 called "the Uttar Pradesh Industrial Training Institutes (Instructors) Service (Second Amendment) Rules, 2003" (for short "the amended Rules"). It is pointed out that circulars dated 16-12-1983, 18-8-1988 and 9-4-1992, relied upon by the appellant, will have no effect unless necessary amendment is being made in the Rules for the appointment of Instructors in the State.”

9. Dealing with such argument on behalf of the appellant, the Hon'ble Supreme Court has held in favour of the present respondents in paragraph 10 of the judgment which is reproduced above by the learned Tribunal. Thus,

the aforesaid argument as raised by the learned Assistant Government Pleader cannot be accepted.

10. Even otherwise, the aforesaid issue as regards equivalence of aforesaid qualification of Certificate course in 'Architect Draftsman' with the certificate course in 'Draftsman Civil' is no more *res integra* as the said issue is already decided by this Court in Writ Petition No.4505/2024 (*Rupchand S/o Mahadeo Itwale and anr. vs. The State of Maharashtra, Rural Development Dept. Mantralaya, Mumbai and ors.*) vide judgment dated 17/01/2025. This Court while dealing with the challenge as regards the equivalence of the course and equivalence of the Recruitment Rules over the Government Resolution or Circular granting such equivalence has held thus :

“ 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 क्रमांक.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			
	कालावधी	शैक्षणिक अर्हता	अ.क्र.	व्यवसाय अभ्यासक्रम	कालावधी	शैक्षणिक अर्हता
४	२ वर्ष	एस.एस.सी	१)	सी.सी.इन आर्किटेक्ट ड्रॉफ्ट्समन	२ वर्ष	एस.एस.सी
			२)	सी.सी.इन ड्रॉफ्ट्समन सिव्हिल	२ वर्ष	

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.”

11. In view of the above settled position, there is no merit in the challenge raised by the petitioners/State in these writ petitions. For the reasons stated above, we dismiss all the above writ petitions.

No order as to costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)