

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

WRIT PETITION NO. 395 OF 2015

RUPALI VASANTRAO GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Shejwal Arun S
AGP for Respondents/State: Mr. V.H. Dighe.
Advocate for Respondents : Mr. Bhavthankar V.V. for
R/3, Mr. Gaikawad Pandurang M. for R/4.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.

Dated: OCTOBER 09, 2015

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Heard learned Counsel for the petitioner. He submits that the petitioner secured 74 marks in written examination. However, the remark "rough driving" given by the R.T.O. is inappropriate. It is submitted that the R.T.O. is only supposed to forward the performance of the candidate and not to select the candidate. It is submitted that if the experience of the petitioner vis-a-vis respondent No. 4 is taken into consideration, the petitioner is more experienced and has rendered good job in the past. Therefore, according to the learned Counsel for the petitioner, the petition deserves to be

allowed.

2 On the other hand, learned Counsel for respondent No.3, relying upon the report of the R.T.O., submits that there was remark that driving of the petitioner is rough and therefore, the respondent No.4 was selected and petitioner's claim was rejected.

3 Learned Counsel for the respondent No.4 submits that upon perusal of the petition, it appears that, no specific relief is prayed as against the respondent No.4.

4 We have heard learned Counsel for the petitioner and the respective respondents, perused the pleadings in the petition, annexures thereto and reply filed by on behalf of the respondent No.2. Upon perusal of the Government Resolution dated 9th September, 2011 issued by the Rural Development & Water Conservation Department, Government of Maharashtra, Mantralaya, Mumbai, it shows that after written test is conducted, the candidate is supposed to be referred for driving test. Accordingly, the petitioner and other candidates were referred for driving test. However, the remark given by the R.T.O. about the driving of the petitioner was adverse to the petitioner and consequently, the petitioner was held to be

unsuccessful in driving test. Therefore, the petitioner was not selected. It is true that the petitioner secured 74 marks in the written examination; however, as per the relevant Government Resolution, the important aspect is the driving test. It is not possible for this Court to accept the contention of the petitioner and substitute the opinion of the R.T.O.

Hence, the petition stands rejected.

(A.M. BADAR, J)

(S.S. SHINDE, J)

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