

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

WRIT PETITION NO. 1276 OF 2014

Nilesh Hanumantrao Billalekar .. Petitioner

Versus

The President/Collector and Others .. Respondents

Shri A. R. Kale, Advocate for the Petitioner

Shri K. G. Patil, A. G. P. for the respondent No. 1

Shri V. S. Panpatte, Advocate for the Respondent No. 2

Shri A. A. Pimpalwadkar, Advocate for the Respondent No. 3

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 18TH FEBRUARY, 2015.

PER COURT :

1) Mr. Kale the learned counsel submits that, pursuant to the advertisement issued by the respondent No. 2 for the post of Accountant under Sarva Shikha Abhiyan, the petitioner had applied. The petitioner and respondent No. 3 both secured equal marks, however, appointment order was issued in favour of respondent No. 3. The learned counsel submits that, initially the application of respondent No. 3 was rejected. The endorsement

has been recorded in the application of the respondent No. 3, still respondent No. 3 is further allowed to participate in the selection process. Only on the ground that respondent No. 3 possessed Tally certificate, appointment is issued in favour of respondent No. 3. Holding certificate of Tally can not be said to be higher educational qualification. The Educational qualification possessed by the petitioner and respondent No. 3 is one and the same. The Government Resolution of the year, 2008, has not been properly considered.

2) We have heard for the learned counsel for the respondents 2 and 3.

3) It is not disputed that, the respondent No. 3 had participated in the selection process and had appeared for viva voce. It is also not disputed that the petitioner and respondent No. 3 had secured equal marks. The respondent No. 3 possessed the certificate of Tally. The post was that of Accountant. Naturally, a person possessing Tally certificate would have been deemed to be proficient in accounting. We have also considered the marks obtained in graduation and the other level wherein respondent No. 3 has more marks. The said aspect also seems to have been considered. Even as per the Government Resolution

dated 27th June, 2008 if two or more candidates have same marks then a person possessing higher qualification is to be preferred. The respondent No. 3 was possessing Tally certificate which was considered by the authorities.

4) In light of the above, the grievance of the petitioner can not be considered. Writ petition is accordingly disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

sam/Feb. 15