

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1321 OF 2015

ARUNA SANJAYKUMAR BHALTILAK
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. S.S. Thombre.
AGP for Respondent Nos.1 & 2 : Mr. S.D.Kaldate.

CORAM : S.S. SHINDE & A.M. BADAR,JJ.
DATE : 21ST SEPTEMBER,2015.

PER COURT:

1] Heard.

2] Learned counsel for petitioner submits that prayer of the petitioner to accept her candidature for B.Sc. Nursing Course for 2 years, has been rejected on unsustainable ground. Said ground does not find place in the regulations. In support of this contention,he invited our attention to the relevant regulations. He further submits that, in case of other 4 persons, whose names are mentioned in the letter dated 1st October, 2013, addressed by the Deputy Secretary, Public Health Department, to the Director of Health Services, Health Services Directorate, Mumbai, and who have been permitted to pursue the course from private college, are similarly situated like petitioner. According to counsel for petitioner this amounts to discrimination in two sets of similarly situated employees. Therefore,he submits that the petition may be allowed.

3] Learned AGP, on the other hand, invited our attention to the reasons assigned in the impugned communication and submits that since the petitioner has not completed 5 years Government service as mentioned in bond, her request has been turned down.

4] We have heard the counsel for petitioner, learned AGP, perused the impugned communication. Admittedly, petitioner has not completed 5 years Government service as mentioned in bond period and, therefore, her case cannot be compared with the 4 persons, whose names are mentioned in the communication which is annexed at Exhibit F. Those 4 persons who have been permitted to pursue the course from private college, have completed 5 years bond period and hence, their candidature has been considered.

5] In that view of the matter, petition sans merit. Same is rejected.

[A.M. BADAR, J]

[S.S. SHINDE, J]

grt/-