

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

WRIT PETITION NO. 1332 OF 2015

HAVAGIRAO VAIJANATH BIRAJDAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Rodge Pratap G.

AGP for Respondents: Mrs.S.A.Dhumal.

Advocate for Respondent No.2 : Mr. Nikam Anup R.

Advocate for Respondent Nos.3 and 4 : Mr. Nirmal Ramchandra J.

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

DATE : 09th March, 2015.

P.C.:

. Mr.Rodge, learned counsel submits that the Petitioner had applied from the handicapped category. However, wrongly the candidature of the Petitioner was considered from ex-servicemen category. Even a letter was given by the Education Officer (Primary) for necessary corrections. The Petitioner had applied from 80% Marathi Medium category. The learned counsel submits that the persons having less marks than the Petitioner are appointed from the handicapped category. The learned counsel relies on the merit list as published on 20th January, 2015.

2 Mr.Nikam, learned counsel submits that the Petitioner is considered from the handicapped category. No candidate having less marks than the Petitioner is appointed from 80% Marathi Medium category. The learned counsel submits that the merit list has been revised and the revised merit list has been published on on 28th January, 2015.

3 We have considered the submissions canvassed by the learned counsel for respective parties. The Petitioner is considered from the handicapped category i.e. Marathi medium. The Petitioner would have a legitimate right to make grievance only if the candidate having less marks than the Petitioner from the handicap 80% Marathi Medium category is appointed. Statement is made by the learned counsel for the Respondents, upon instructions, that no candidate having less marks than the Petitioner is appointed from 80% Marathi Medium handicap category. The said statement is accepted. Accepting the said statement, the contention of the Petitioner cannot be considered.

4 In light of that, the writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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