

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.1721/2014

901 WRIT PETITION NO. 1721 OF 2014

BALAJI SAUDAGAR JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr.Bhaskar S.B.
AGP for Respondent State: Mr. S.K.Kadam

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CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: November 26, 2015

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PER COURT :-

1. Heard the Counsel appearing for the petitioner. He submits that the respondent authorities allowed the petitioner to participate in the entire selection process. It is further submitted that relaxation was given by the respondent authorities to the petitioner, to produce Nonf Creamy Layer certificate, on 28th August, 2007. It is further submitted that the petitioner is in service for about five to six years and, therefore, this Court may take sympathetic view in the matter. It is further submitted that the candidates who have secured less marks than the petitioner have been issued appointment letters and, therefore, the petitioner deserves to be continued in service. He, further submits that the petitioner is serving even as on today. Learned Counsel also invited our attention to the pleadings in the petition, grounds taken therein and the annexures thereto and submits that the petition deserves to be allowed.

agp/-

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(2)

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2. We have heard the Counsel appearing for the petitioner, perused the pleadings in the petition, annexures thereto and particularly reasons assigned by the Maharashtra Administrative Tribunal, while rejecting the Original Application filed by the petitioner. Upon perusal of the conditions in the advertisement, it is evident that the respondent authorities were not empowered to relax the condition of submitting non creamy layer certificate with the application. Apart from it, it further appears that when the petitioner appeared before the authorities on 17.8.2007, for participating in the process of selection, on the said date, the said certificate was not in possession of the petitioner. The petitioner did submit certificate on 28th August, 2007, which was not in accordance with the conditions stipulated in the advertisement, advertising the post of Police Constable. Apart from non submitting the certificate as per the advertisement, the Maharashtra Administrative Tribunal, on the strength of the material which was placed before it, reached to the conclusion that even the said certificate was not in accordance with the requirements stipulated in the advertisement.

3. Upon perusal of the entire material placed on record, we are of the opinion that the view taken by the Maharashtra Administrative Tribunal is in consonance with the material placed on record. No case is made out. Writ Petition is rejected.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

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