

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

WRIT PETITION NO. 2877 OF 2012

Sahebrao Rama Kamble .. Petitioner

Versus

Swami Ramanand Teerth Marathwada
University and Another .. Respondents

Shri S. B. Talekar, Advocate for the Petitioner

Shri U. S. Malte, Advocate for the Respondent No. 1

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

DATE : 18TH FEBRUARY, 2015.

PER COURT :

1) Mr. Talekar the learned counsel for the petitioner submits that, the selection process conducted for the post of plumber pursuant to the advertisement dated 31st March, 2010 is absolutely erroneous. There were two posts of plumber advertised. One was meant for reserved category. The petitioner belongs to the reserved category for which the post was reserved. The learned counsel submits that, the whole selection process was conducted with utmost secrecy, even the marks obtained by

the candidates were not published. The petitioner was called for viva voce. The result of the viva voce was also not published. The respondent No. 2 is shown as selected. He did not join. The petitioner ought to have been given appointment order. That 25 marks were prescribed for viva voce. Generally, for viva voce the marks prescribed can not be more than 12.5%. The practical knowledge and experience of a plumber is more important than viva voce.

2) Mr. Malte the learned counsel for the respondent submits that, after the selection process which is impugned in the petition, twice fresh selection process have been undertaken. Petitioner participated in the subsequent selection process and has failed. No illegality is committed in the selection process. Transparency is maintained. As per the Government Resolution dated 07th June, 2004, 25% marks are required to be allotted for viva voce, while filling the post of Group 'D' candidates.

3) One of the prayer made in the writ petition is to quash the selection process. Even if the said prayer is granted, the petitioner would not be benefited. Thereafter twice the selection process has been conducted, the petitioner is not selected. Considering the fact that the fresh selection process

has been conducted, the petitioner has participated and failed the challenge made in the writ petition also would not survive. As the selection process which itself is challenged did not materialise and fresh selection process was conducted.

4) In light of above writ petition disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

sam/Feb. 15