

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 3363 OF 2014**

RAJU BAJIRAO JAHARE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Patil Vinod Prakash

AGP for Respondent/State : Mr. M.M. Nerlikar

Advocate for Respondent nos. 2 and 3 : Mr. Goyanka M.K.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.**Dated: April 06, 2015**

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PER COURT :-

Heard.

2. Perused the pleadings in the Petition. Nowhere the petitioner has stated what is the height of the petitioner. The learned counsel appearing for the Respondent Nos. 2 and 3 has tendered across bar copy of the application from filled in by the petitioner On-line, wherein in the height column, it is mentioned as 160 cm. If, height of the petitioner is 160 cm, then nothing prevented the petitioner from mentioning the same in the Writ Petition.

3. The learned counsel appearing for petitioner submits that, in similar facts situation, this Court in the case of **Krushna S/o Vasudeo Mahajan V/s The Managing**

Director and another in Writ Petition No. 10826 of 2012

decided on 1st February, 2013 directed the Civil Surgeon, Jalgaon to certify the height of the petitioner.

4. Respondent Nos. 2 and 3 have filed affidavit in reply. In para 4 of the affidavit in reply, it is stated that, while document verification of the petitioner on 15.01.2014 by the Scrutiny Committee, it is found that, the petitioner's height was 157.3 cm, it means that the petitioner's height is 0.7 cm less than minimum height which is prescribed in the advertisement and as such the Scrutiny Committee has disqualified the petitioner on 27.01.2014.

5. It is admitted position that, minimum requirement of height is 158 cm. During the course of hearing the learned counsel appearing for the petitioner submits that, now the petitioner has measured his height and his height is 158 cm.

6. We have considered the submissions advanced by the learned counsel appearing for the petitioner and the learned counsel appearing for Respondent Nos. 2 and 3. With their able assistance, we have perused the pleadings/grounds taken in the Petition and reply filed by respondent Nos. 2 and 3.

7. Upon considering the case of the petitioner in its entirety, in the first place there is no statement in the Petition about the height of the petitioner, secondly, as

rightly contended by the learned counsel appearing for Respondent Nos. 2 and 3, while filling in the application form On-line, the petitioner has mentioned his height as 160 cm, which dis-entitles the petitioner from claiming any relief from this Court and thirdly, the minimum requirement of height for the post of Conductor is 158 cm.

8. In the light of above and the petitioner has made incorrect statement in the On-line Form that his height is 160 cm, though the petitioner claims that his height is 158 cm, we are not inclined to entertain the writ petition. Hence Petition sans merits and hence rejected.

(P.R.BORA, J.)

(S.S. SHINDE, J.)

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sga/-