

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION 4255 OF 2015

MADHURI PRAKASH BHARSAKALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioner : Mr. S. K. Savangikar
AGP for respondent Nos. 1 and 2 : Mr. S. S. Tope
Advocate for respondent Nos. 3 and 4 : Mr. Deelip Bankar Patil
Advocate for respondent No. 5 : Mr. A. N. Raut h/f Mr. R. E. Khillare

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 28th JULY, 2015

P.C. :-

1. Mr. Savangikar, the learned counsel for the petitioner states that the petitioner had filled in application pursuant to the advertisement issued by the respondent for the post of Assistant Civil Engineer from Female Scheduled Caste category. The petitioner was eligible as per the said advertisement. The last date for filling in the application was 22nd September, 2014. The petitioner had filled in the application on 29th August, 2014. The petitioner appeared for the written examination and secured good marks. However, at the time of verification of documents, without assigning any reason, the petitioner is not considered. According to the learned counsel, petitioner's mark sheet of the third year is issued on 22nd

September, 2014. The University had already communicated the same on 12th September, 2014. As such, before the last for filling in the application, the petitioner was declared as passed the B.E. Course. According to the learned counsel, there was no reason in not considering the petitioner for the said post. The petitioner has more marks than the present respondent No. 5. The act of the respondent, as such, is illegal.

2. Mr. Bankar Patil, the learned counsel for respondent Nos. 3 and 4 and the learned counsel for respondent No. 5 submit that the petitioner was not eligible to apply on the date of filling in the application itself. The petitioner did not possess the degree of Engineering on the date of application. Even the mark memo of the third year is dated 29th September, 2014.

3. The result of the petitioner of the fourth year Engineering course was declared on 23rd August, 2014. However, the same was shown as ATKT and the mark memo of the third year examination i.e. the back log subject of third year was issued on 29th September, 2014. It is the contention of the petitioner that the result was already declared of the third year back log before 12th September, 2014. However, the mark memo was issued subsequently. Still, the petitioner had filled in the application on 29th August, 2014.

Undisputedly, on the said date, the result of the petitioner of the third year was not declared. As such, the petitioner, on the date of filling in the application, could not have communicated that the petitioner has passed her B.E. Course. Considering the said fact, no illegality has been committed by the respondents. The writ petition, as such, is disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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