IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4678 OF 2013

AMILSING GOVINDSING RAJPUT
VERSUS
THE M.S.R.T.C. THROUGH ITS GENERAL MANAGER AND OTHERS
...
Advocate for Petitioner : Mr. D.B. Shinde h/f Mr. D.B. Thoke
AGP for Respondents 2 and 3: Mr. M.K. Goyanka
.....

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

DATED : 23rd JULY, 2015

P.C. :-

1. We have heard the learned counsel for the petitioner, who submits that the petitioner is eligible to be appointed for the post of driver. The respondents have committed illegalities and irregularities in the selection process, as grading is given by pencils to the screening/driving test contrary to the selection process. The same deserves to be quashed and set aside. According to the learned counsel, in fact, the petitioner has obtained A grade. The respondents have selected the persons having less marks than the petitioner. The action of the respondents is illegal.

2. The learned counsel for the respondents submits that minimum 50% marks are required in the driving test to be eligible for the post

of driver. The petitioner has secured an average 44.33 marks as such is ineligible.

3. We have considered the submissions canvassed by the learned counsel for the respective parties. On affidavit it has been stated by the respondents that the petitioner has secured 44.33 marks. As per the selection process, minimum 50% marks are required for the person to be eligible to be considered for the post of driver. As the petitioner has got less than 50% marks, the petitioner was not eligible to be considered for the appointment. There are no malafides on the part of the respondents in not considering the petitioner for the appointment of driver.

4. Considering the above, writ petition stands rejected. No costs.

(V. K. JADHAV, J.) **(S. V. GANGAPURWALA, J.)**

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