

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3695 OF 2011

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.Sanjay Choukidar, holding for Mr.V.S.Panpatte, advocate for the petitioner.
 Smt.S.D.Shelke, Asstt. Govt. Pleader for the State.
 Mr.A.S.Bajaj, advocate for Respondent No.2.
 Mr.S.G.Chapalgaonkar, advocate for Respondent No.3.

**CORAM : S.V.GANGAPURWALA &
 V.L.ACHLIYA, JJ.**
Date : 20.01.2015.

PER COURT :

1. Heard.
2. Mr.Choukidar, learned counsel submits that the petitioner possesses necessary eligibility criteria for being considered for appointment to the post of Junior Operator. Pursuant to the advertisement, the petitioner filled in form. The petitioner's form was processed, however, was not given appointment order only on the ground that the petitioner does not possess the necessary experience. The learned counsel submits that the petitioner had filed experience certificate of one Mahati Electrics, Pune, showing that the petitioner possesses the necessary experience of working as Junior Electrical Engineer from 1.8.2006 to 20.7.2007 and again

from 23.7.2007 to 25.9.2007. The learned counsel submits that both these certificates were submitted with the MKCL. The experience till 21.12.2009 can be considered by the Respondents in view of the advertisement. The last date of filling form was 11.12.2009 and the experience to be considered is upto 21.12.2009, that means experience could be considered of a period even after filling in the application form pursuant to the advertisement. Learned counsel further submits that the Respondent failed to consider the said aspect and only on technical grounds are not considering the case of the petitioner. According to the learned counsel, the stand of the Respondent that the experience certificate of the petitioner does not fulfill the condition of one year's experience prescribed for the post of Junior Operator is incorrect. According to the learned counsel, the petitioner possess the said experience certificate dt. 26th September 2007, there was no reason for the petitioner to withhold the said certificate.

3. Mr.Chapalgaonkar, learned counsel for MKCL submits that the certificate dated 26.9.2007 was never submitted and the experience certificate dated 22.7.2007 was only submitted stating that the petitioner has experience of working as Junior Electrical Engineer with Mahati Electrics for a period 1.8.2006 to 20.7.2007. As such the case of the petitioner can not be considered.

4. Mr.Bajaj, learned counsel for Respondent Company also

submits that the petitioner did not produce the experience certificate dated 26.9.2007 and the experience certificate produced was short of the required experience for the post of Junior Operator.

5. We have considered the submissions canvassed by the learned counsel for respective parties. It would not be possible for us to investigate and dilate upon the disputed questions of facts in the Writ jurisdiction under Article 226 of the Constitution of India. It is not also a case of any malafides on the part of the Respondents. We have perused the application filled in by the petitioner. Though in the column of experience it is stated that the petitioner possesses experience of one year and above, however, while mentioning the period of experience the period is stated as 1.8.2006 to 20.3.2007. It would not be possible to accept the contention of the petitioner in the Writ jurisdiction and pass any orders in favour of the petitioner.

6. In light of the above, the Writ Petition is disposed of. In case the petitioner chooses to file representation, the petitioner may file such representation. It is for the authority either to consider the said representation or not as per their discretion. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..20.01.2015.
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