

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.5537 OF 2014

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.Vivek Bhavthankar, advocate for the petitioner.
Mr.P.N.Mule, Asstt. Govt. Pleader for the State.
Mr.V.P.Latange, advocate for Respondent No.2.
Mr.M.L.Dharashive, advocate for Respondent No.3.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**
Date : 02.02.2015.

PER COURT :

1. Heard.
2. Mr.Bhavthankar, learned counsel submits that the petitioner is working since 2007 as a tractor driver with the Respondent-University. Pursuant to the advertisement dated 6.3.2012, the petitioner has applied but malafidely the Respondents have selected Respondent No.3 in place of petitioner. Today also the petitioner is working on consolidated pay with the Respondent-University. Even the experience certificate in favour of Respondent No.3 on the face of it is erroneous. The same does not satisfy the requirement of the advertisement.

3. Mr.Latange, learned counsel for the University submits that the Respondent No.3 secured more marks than the petitioner in the selection process, as such is selected. The petitioner was at serial No.3 and the Respondent No.3 at serial No.1 in the selection list, as such is rightly appointed. The advertisement was for only one post of tractor driver.

4. We have also heard Mr.M.L.Dharashive, learned counsel for Respondent No.3.

5. It is not disputed that the petitioner has participated in the selection process. This Court would not sit in appeal over the decision of the Selection Committee with regard to the marks being given, unless it is shown ex-facie that the selection process itself was tainted with malafides or it is a case of grave illegality. In the present matter, nothing of the said sort is coming forth. Even otherwise, there is one more person above the petitioner on the basis of merit in the selection list.

6. Regarding the stand of the petitioner that he is working since 2007, we are not concerned with the same as it is the selection process pursuant to the advertisement of 6.3.2012, which is subject matter in issue. If the petitioner has any other grievance with regard to the fact of he working since 2007 is concerned, the petitioner may take such other remedy as may be permissible in law.

7. The Writ Petition is accordingly dismissed. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..02.02.2015.
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