

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO. 5263 OF 2015

VINOND BHASKARRAO KULKARNI .. PETITIONER.

VERSUS

**STATE OF MAHARASHTRA
AND OTHERS. .. RESPONDENTS.**

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**Petitioner : Party In Person
AGP for Respondents/State: Mr.S.K. Kadam.
Advocate for Respondents 3 to 8 : Mr.V.B. Jadhav.**

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CORAM : S.S. SHINDE & A.M. BADAR,, JJ.

Dated: 22nd September, 2015.

PER COURT :-

1. This petition has been filed with the following prayer:

“B) That by issuing were (sic) direction of order in the appropriate nature, the recruitment process conducted by respondent no.2 in pursuant to advertisement dated 13.5.2014 be quashed be quashed and set aside to the extent of post at “Driver” it is further prayed that affirmation at said process by learned Maharashtra Administrative Tribunal in O.A.

No.851/2014 (O.A. No.400/2014) by order dated 20.2.2015 be quashed and set aside.”

2. The petitioner who appears party-in-person, submits that though he did pass written test by scoring 64 marks, and though he was eligible, he was not called for further test. It is submitted that even the candidates not possessing driving license have been selected. The petitioner further submits that, the Maharashtra Administrative Tribunal has not properly considered the contention of the petitioner that, while conducting test, no proper procedure was followed. The petitioner invited our attention to the pleadings in the petition, grounds taken therein and the annexures thereto and submitted that the petition may be allowed.

3. On the other hand, learned AGP appearing for the State / authorities submitted that the petitioner secured only 64 marks whereas, the respondents / authorities have shortlisted the candidates who have secured 68 or more marks for further tests/interview. Necessary corrigendum to the advertisement was issued in conformity with the Government resolution dated 19.10.2007 issued by the

General Administration Department of the State Government, which has been discussed in para 8 of the impugned judgment of Maharashtra Administrative Tribunal. It is therefore, submitted that the petition may be dismissed.

4. We have heard the petitioner-in-person, and learned AGP for the State and learned Counsel for the respective respondents 3 to 8, carefully perused the reasons recorded by the Maharashtra Administrative Tribunal. Upon careful perusal of the reasons assigned by the tribunal, it appears that all the aspects including the Government Resolution have been taken into consideration in para 13 of the judgment. It is observed that written test of proficiency of 90 marks was conducted. The cut off marks for short listing for the next stage, i.e. interview and driving test was 68. Those who scored above 68 marks, were called for interview and written test. The applicant / petitioner had scored only 64 marks, so he was not called.

5. Therefore, in our opinion, the view taken by the Maharashtra Administrative Tribunal is in consonance with

the material brought on record. Apart from this, the petitioner participated in the selection process and therefore, it is not open for the petitioner to take exception to the said selection process.

6. For the reasons aforesaid, we are not inclined to interfere in the judgment and order of the Maharashtra Administrative Tribunal.

Hence, the petition is rejected.

(A.M. BADAR, J.)

(S.S. SHINDE, J.)