

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4454 OF 2013

SAYYAD SADIK AHMED MUBARAK
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioner : Mr. M. P. Tripathi
A.G.P. for respondent no. 1 : Mr. D. B. Bhange
Advocate for respondent nos. 2 and 3 : Mr. R. K. Jain h/f Mr. D. S. Bagul
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 2nd JULY, 2015

P.C. :-

1. Mr. Tripathi, the learned counsel for the petitioner states that the petitioner is having M.Com. Degree and has passed Typing Examinations in English and Marathi with speed of 40 w.p.m. each. He has also completed certificate course in Computer Operation conducted by the Maharashtra Board of Vocation Examinations of six(6) months duration. The petitioner has worked as Part Time Employee in Tuljapur Tahsil Office. The learned counsel submits that pursuant to the advertisement dated 07.08.2012 issued by respondent No. 2, the petitioner applied for the post of Clerk-cum-Typist. 10% seats are reserved for Part Time Employees. According to the learned counsel, the petitioner is possessing qualification for the post of Clerk-cum-Typist. The petitioner is at serial no. 1 from the

Part Time Employees category in written examination conducted by the respondents. At the time of verification of documents, the claim of the petitioner is not considered. The learned counsel submits that the certificate held by the petitioner regarding completion of computer course is equivalent to the certificate issued by DOEACC Society, so also, the course completed by the petitioner is equivalent to MS-CIT. The said aspect has not been considered by the authorities. Subsequently, the petitioner has also completed the MS-CIT course. According to the learned counsel, the respondents have illegally refrained the petitioner from participating in further selection process.

2. Mr. Bagul, the learned counsel for respondents submits that the petitioner was not possessing certificate from DOEACC, so also was not possessing certificate of MS-CIT, as such, was ineligible for the post of Clerk-cum-Typist.

3. We have considered the submissions canvassed by the learned counsel for respective parties. There is nothing on record to depict that the certificate possessed by the petitioner is equivalent to MS-CIT or to the certificate issued by DOEACC Society. Selection process was conducted in the year 2013. According to the respondents, all posts are filled in. The rights are also created in favour of the other candidates who are not party before us.

Considering the fact that there is nothing on record to vouch the equivalence of the certificate possessed by the petitioner to that of the certificate required as per the advertisement, the case of the petitioner cannot be considered. The Writ Petition, as such, stands disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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