

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6102 OF 2015

PRAMOD YUVTRAJ DONGRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Sudhir K.Chavan.
AGP for Respondent/State : Mrs. S.G. Chincholkar.
Advocate for Respondent Nos.3 & 4 : Mr. A.S. Bajaj.

CORAM : S.S. SHINDE & A.M. BADAR,JJ.
DATE : 29TH SEPTEMBER,2015.

PER COURT:

1] Heard. Learned counsel for petitioner, by placing reliance upon Government Resolution dated 28th September, 2012, he submits that the petitioner has completed ITI, Electrician Trade, of two year's duration, conducted by the Maharashtra State Board of Vocational Examination, Mumbai. He further submits that the Course completed by the petitioner is treated as equivalent to ITI course conducted by the National Council of Vocational Training, New Delhi by issuing Government Resolution dated 28th September, 2012 issued by the Department of Higher & Technical Education, Government of Maharashtra. He further submits that in the advertisement or in the reply, the respondents have not clarified that the Government Resolution dated 28th September, 2012 is not applicable in case of appointments by the respondents. The sum and substance of the argument of the counsel for petitioner is that, the course completed by the petitioner is equivalent to the course conducted by the National Council of Vocational Training, New Delhi, as per aforementioned Government Resolution and therefore, petition deserves to be allowed.

2] Learned counsel for respondent Nos. 2 to 4, relying upon the

averments in the affidavit in reply submits that the petitioner has completed his certificate course in Electrician Trade from Dr. Babasaheb Ambedkar Technical Education College run by Samrat Ashok Pratishthan. He further submits that the advertisement bearing No.5 of 2014 issued by respondent company specifically mentions about the eligibility criteria for the post of Assistant Electrician, which prescribes that the candidate should have National Trade Certification on completion of the ITI Trade awarded by the National Council of Vocational Training, New Delhi. It is submitted that there is no mention in the advertisement about the equivalent qualifications, as contended by the petitioner. It is further submitted that the Government Resolution dated 28th September, 2015 issued by the Government of Maharashtra is not applicable in case of the petitioner. The said Government Resolution is pertaining to the ITI universities functioning in Maharashtra. It is submitted that the Division Bench of this court in the matter of *Jagannath Khakare and others Vs. State of Maharashtra and others, reported in 2013(3) Mh.L.J. 228*, while considering the prayer of the petitioner therein for relaxation of age relying upon a Government Resolution, has held that the Government Resolution is only recommendatory in nature and cannot be treated as binding on the Maharashtra State Electricity Distribution Company. It is further submitted that the respondent company has not adopted the Government resolution dated 28th September, 2012 and, therefore, the reliance placed by the petitioner on the said Government Resolution is misplaced in the facts of the present case.

3] We have heard the counsel for the petitioner, learned AGP for state and learned counsel for the respondent Nos. 3 and 4. With their assistance, we have carefully perused the pleadings in the petition, the affidavits in reply and annexures thereto. As long as the respondent company has not adopted/decided to follow the Government Resolution dated 28th September, 2012, as rightly contended by the counsel for the respondent Company, that the said Government Resolution is recommendatory in nature, we cannot direct the company to adopt the

same. Upon careful perusal of the advertisement, equivalent qualifications are not mentioned. It is not possible for this Court to accept the contention of the petitioner relying upon the aforementioned Government Resolution to treat the qualifications possessed by the petitioner to be equivalent to the qualification mentioned in the advertisement. It is only for the respondent company, either to adopt the said resolution or otherwise. In exercise of writ jurisdiction, it is not desirable to draw some inference on the basis of the aforementioned Government Resolution and treat the qualification possessed by the petitioner as equivalent to the one mentioned in the advertisement. In that view of the matter, we are unable to accede to the prayer of the petitioner. Petition sans merit, hence dismissed.

[A.M. BADAR, J]

[S.S. SHINDE, J]

grt/-