

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

Writ Petition No. 6709 of 2015

Vandana Vitthal Chathe,
Age : 35 years,
Occupation : Nil,
R/o. Bharadi,
Taluka : Sillod,
District : Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Principal Secretary,
General Administration Department,
Mantralaya, Mumbai - 32.

2. Maharashtra State Road Transport
Corporation,
Aurangabad Division,
Aurangabad,
Through its Divisional Controller.

.. Respondents.

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Mr. P.D. Bachate, Advocate, for the petitioner.

*Mr. A.V. Deshmukh, Assistant Government Pleader, for
respondent no.1.*

Mrs. R.D. Reddy, Advocate, for respondent no.2.

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

DATE : 31ST AUGUST 2015

ORAL ORDER (Per S.S. Shinde, J.) :

1. Heard learned Counsel for respective parties.
2. The learned Counsel appearing for the petitioner submits that the petitioner, prior to filing the application, was holding valid license. However, he fairly concedes that on the date of application or even on the date of extension i.e. 5th September 2012, the petitioner had no valid license. However, he submits that on 6th December 2012, the petitioner was possessing valid license till 5th December 2015. The learned Counsel appearing for the petitioner, in support of his contention, that the petitioner's application ought to have been favourably considered, placed reliance upon following two unreported decisions of this Court :-

[1] Writ Petition No. 8299 of 2013*(Kailas Bhausing Jagarwal**Vs.**The State of Maharashtra & others)*

Decided on 23-4-2014.

[2] Writ Petition No. 8068 of 2014*(Kiran Abarao Somwanshi**Vs.**The Divisional Controller,**Maharashtra State Road Transport**Corporation, Aurangabad)*

Decided on 12-3-2015.

3. The learned Counsel appearing for respondent no.2, relying upon averments made in the affidavit in reply, particularly para 7 thereof, submits that at the time of verification of documents i.e. on 9th March

2015, it was found that the petitioner did not have valid Conductor's license on prescribed date i.e. 7th August 2012, nor on the date of extension i.e. 5th September 2012. It is submitted that the candidates were allowed to appear in written examination without verification of documents and physical test. In the advertisement itself, it was notified in clear words, that the candidates are required to show their eligibility. The candidates passed out in the written examination would be called for verification of documents. As per the advertisement itself, candidate has to appear for scrutiny of documents relied upon by the candidate. It is submitted, that on the date of verification of documents, it was revealed that the petitioner was not having valid license on the prescribed date or the date of extension. Therefore, the learned Counsel for respondent no.2 submits that the petition may be rejected.

4. We have perused the pleadings in the petition, annexures thereto, the affidavit in reply filed on behalf of respondent no.2, and in particular, educational qualifications prescribed on the date of application, so also, for extended period of application. It is clear from reading the advertisement, that for filling in online application, the period was prescribed with effect from 7th August 2012 till 5th September 2012. Admittedly, during the said period, the petitioner was not holding valid license. The reliance placed by the learned Counsel appearing for the petitioner, on the aforesaid two decisions of this Court, is misplaced in the facts of the present case. inasmuch as, in the facts of that case, on the date of application, the petitioner therein was holding valid Conductor's license, but on the date of verification, he had no valid license.

5. Upon considering the advertisement and the reply filed by respondent no.2, we are unable to accept the prayer of the petitioner.

6. In the result, the petition fails and the same is dismissed.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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