

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 7115 OF 2015

VISHAL PRALHADRAO GANADARGHOL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Jadhav Kakasaheb B

AGP for Respondents State: Mr. K. G. Patil

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**CORAM : S. V. GANGAPURWALA &
V. K. JADHAV, JJ.****DATE : 31st July, 2015****PER COURT :**

1. Mr. Jadhav, learned counsel for the petitioner submits that the petitioner had filled in form for the post of Civil Engineering Assistant pursuant to the advertisement issued by respondent No.4. The petitioner had applied from hearing handicap category. The petitioner appeared for written examination and passed the written examination. The petitioner never received any communication by registered post about date of verification of documents. Learned counsel submits that the Tribunal, on the ground that the petitioner has received intimation by registered post, has refused the interim relief. The original application is still pending before the Maharashtra Maharashtra Administrative Tribunal. The learned counsel further submits that as per Clause 4 of the Advertisement, each and every candidate was required to give his E-mail I.D. and future correspondence was to be made through the said E-mail. The petitioner was never communicated by E-mail the date of verification of documents, still the tribunal has rejected the prayer for interim relief. The petitioner has got highest marks from hearing handicap category. Selection and appointment is to be made only on the basis of marks obtained in the written examination.

2. Mr. Patil, learned AGP, on instructions, states that the petitioner was not communicated by registered post acknowledgement due, about the date for verification of the documents, however the same was published on the website and the same would be sufficient compliance of communication.

3. We have considered the submissions canvassed by learned counsel for the respective parties. The learned tribunal has considered that separate call letter has been issued on 15.04.2015 to the applicant by registered post, wherein it was informed that the petitioner should remain present for verification of documents on 08.05.2015 at 10.30 a.m. and it was also published on the website of respondent No.4. However, it is now clear that no call letter by registered post was ever issued to the petitioner or any other candidate and that it was only published on the website of respondent No.4.

Clause 4 of the advertisement also prescribes about furnishing E-mail I.D. by candidates and communication was to be made on the said E-mail I.D. The said aspect has not been considered by the Tribunal. The same is also required to be considered.

4. Considering the above, we pass following order:

ORDER

1. The respondents shall keep one post of Civil Engineering Assistant vacant from hearing handicap category till disposal of the original application bearing No. 422/2015 pending before the Maharashtra Administrative Tribunal, Mumbai, bench at Aurangabad.
2. Writ petition accordingly disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC