

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7162 OF 2014

SUNIL RAMKRUSHNA YESHWANTE
VERSUS
THE MAHARASHTRA STATE TRANSPORT CORPORATION
(M.S.R.T.C.) MUMBAI AND OTHERS

.....
Advocate for petitioner : Mr. S. S. Dambe
Advocate for respondent No. 3 : Mr. D. S. Bagul
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 17th JULY, 2015

P.C. :-

1. Mr. Dambe, the learned counsel for the petitioner submits that the petitioner had applied for the post of Blacksmith pursuant to the advertisement issued by respondents. The learned counsel submits that the petitioner has a qualification of SSC and ITI certificate course in Motor Mechanic. The petitioner has also completed apprenticeship with Bajaj Auto Limited. Thereafter, the petitioner worked with Tata Motors and Shri Ganesh Garage, Bhokardan, up to 12.02.2014. The learned counsel further submits that the petitioner appeared for written examination. The list of 46 candidates was published for the post of ART "C" Junior Lohar / Blacksmith, where the petitioner's name was at serial no. 45 from SC category. The learned counsel submits that the petitioner was called for the practical examination also. But the practical examination of the petitioner was not conducted on the ground that the

petitioner does not have the requisite qualification and ITI from the concerned trade. The learned counsel submits that if the advertisement is seen, the person holding ITI certificate in Motor Mechanic is eligible to apply. The work of Motor Mechanic is inclusive of work of Blacksmith and the petitioner has more than 6 years of experience in the same. It is erroneous on the part of respondent not to conduct practical test of the petitioner. It is only after conducting practical test, the respondent will come to know whether the petitioner knows the work of Blacksmith.

2. The learned counsel for respondent submits that though the petitioner has ITI certificate of Motor Mechanic, the work of Motor Mechanic and that of Blacksmith is different. As per the advertisement, the petitioner is required to have 5 years experience of the concerned trade i.e. Blacksmith, whereas, the certificate of experience is of Motor Mechanic Vehicle and Auto Mechanic Vehicle, as such, is rightly not considered.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The Committee has found that the experience certificate of the petitioner is not that of a Blacksmith, however, is of Motor Mechanic Vehicle and Auto Mechanic Vehicle. It is stated on affidavit that the work of Blacksmith is different than that of the Motor Mechanic. The

work of Blacksmith relates to heavy work like repairs/moping of suspension parts, etc..

5. This Court would not sit as an appellate authority over the committee constituted of experts. It is for them to consider whether the candidate possesses required experience or not. It is submitted on affidavit that the work of blacksmith and that of the Motor Mechanic is different. The petitioner does not possess experience of Blacksmith.

6. In the light of the above, the grievance of the petitioner cannot be considered. So far as availability of post of Motor Mechanic is concerned, the petitioner may make representation to the respondents which may be considered on its own merits, in accordance with law. The writ petition, as such, stands disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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