

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

WRIT PETITION NO. 1257 OF 2015

Manoj Haidar Tadvī .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri V. B. Patil, Advocate for the Petitioner.

Shri S. S. Tope, A. G. P. for Respondent Nos. 1 and 2

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 22ND JULY, 2015.

PER COURT :

1. The petitioner assails the selection of Respondent No. 4 as Fireman. Mr. Patil the learned counsel submits that, the petitioner belongs to S. T. Category. Applications were invited for the post of Fireman from S. T. Category. The petitioner is qualified in all respects. The petitioner appeared for written test and physical test also. The Respondent No. 4 is selected. The learned counsel submits that, the Respondent No. 4 is not qualified and does not satisfy the benchmark laid down in the advertisement itself. According to the learned, counsel it is only to favour Respondent No. 4 it is stated that, Respondent No. 4 fulfills all the attributes of physical fitness. According to the learned counsel, in

the selection committee 3 persons were absent as such the selection committee was not properly constituted. The persons absent were necessary.

2. We have also heard learned A. G. P.

3. The physical fitness has been evaluated by the experts. This Court would not sit as a appellate authority over the evaluation done by the experts. However, would only consider the observance of the decision making process. As far as constitution of the committee is concerned, 10 persons in the committee are shown to have been present out of 13. It is not shown how the selection process has been affected because of the same. The petitioner himself participated in the said selection process and having failed now is trying to make grievance. In view of the judgment of the Apex Court in a case of **Dhananjay Malik V/s State of Uttaranchal** reported in **2008 (4) SCC 171**. Once the petitioner has participated in the selection process, thereafter subsequently can not raise the objection. Only after having secured less marks the grievance is made by the petitioner. In view of the above, writ petition disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]