

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7861 OF 2014

ABHIJEET ANIL NICHOLSON
VERSUS
THE UNION OF INDIA AND OTHERS

...

Advocate for Petitioner : Mr. Kakade Amol N .
AGP for Respondents: Mr. G.K. Naik-Thigle
Advocate for Respondent Nos. 1 to 3 : Mr. S.B. Deshpande
Advocate for respondent No.4:Mr. S.D. Kotkar

.....

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

DATED : 2nd JULY, 2015

P.C. :-

1. Mr. Kakde, the learned counsel for the petitioner submits that respondent No.4 was not fit to be appointed for the post of Tradsman Mate as per the advertisement. The petitioner has secured 88 marks out of 150. In practical examination, respondent No.4 did not fare well. The petitioner faired well in practical examination also. However, the respondents erroneously selected respondent No.4. Respondent No.4 was not fit to be selected for the said post. It would not be possible for respondent No.4 to do the job of a Tradsman Mate.

2. Mr. Deshpande, the learned A.S.G. submits that in written

examination there was difference of 17 marks between the petitioner and respondent No.4. The written examination is assessed to the extent of 40%, the practical to the extent of 40% and interview to the extent of 20%. The over all performance of respondent No. 4 is better than the petitioner. As such the respondent No.4 is selected.

3. We have considered the submissions canvassed by the learned counsel for the respective parties. This Court would not sit in appeal over the judgment of the committee interviewing and conducting the practical tests. It has been stated on affidavit by respondent Nos. 2 and 3 that the respondent No.4 got more marks and had passed the practical test as well as is more meritorious.

4. Even if we see the result of written examination, respondent No.4 has secured 17 marks more than the petitioner. Considering the overall view of the matter, grievance of the petitioner cannot be considered. Writ petition as such is disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/