

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO. 8068 OF 2014

KIRAN ABARAO SOMWANSHI  
VERSUS  
THE DIVISIONAL CONTROLLER, MAHARASHTRA STATE ROAD  
TRANSPORT CORPORATION, AURANGAB

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Advocate for Petitioner : Jadhav Kakasaheb B

Adv.Mrs.Reddy Ranjana D. For R/1

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**CORAM : S. V. GANGAPURWALA &  
V. L.ACHLIYA, JJ.  
DATED : 12<sup>th</sup> MARCH, 2015**

**P.C. :-**

The only reason stated for non consideration of the candidature of the petitioner is non production of Non-Creamy Layer Certificate. The petitioner had applied for the post of Carpenter. It is not disputed by the respondent that on the date of verification of documents, the petitioner had produced the Non-Creamy Layer Certificate dated 10/2/2014 and 9/7/2014. The certificate dated 10/2/2014 was valid upto 31/3/2014. On the date of application said Non-Creamy Layer Certificate was valid. So also the subsequent Non-Creamy Layer Certificate was valid upto 31/3/2017 from the date of issuance. it would appear that on the date of application the petitioner was certified to be in the category of Non-Creamy Layer. Even on the date of verification of the document petitioner is certified to be belonging to Non-Creamy Layer category.

2] Even as per the advertisement whole process was to be completed by 31/3/2014 as such till the said date it cannot be disputed that the petitioner had valid Non-Creamy Layer Certificate. It is the respondent who had conducted the process late and even when the process was conducted late, still petitioner had Non-Creamy Layer Certificate valid on the date of verification of the documents.

3] In light of above, respondents shall consider the candidature of the petitioner for the post for which the petitioner has applied from the O.B.C. category and if vacancy is available and the petitioner stands in merit, then the respondent shall consider to issue appointment order to the petitioner.

4] Writ Petition is disposed of. No costs.

**V.L.ACHLIYA, J.**

**S. V. GANGAPURWALA, J.**

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