

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 1433 OF 2015**

ASHA DAGADU KALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Patil Hanmant V.

AGP for Respondent/State : Mr. A.V. Deshmukh

Advocate for Respondent nos. 2 and 3 : Mr. V.S. Panpatte

Advocate for Respondent no.4 : Mr. M.G. Kasturkar h/f

Mrs.Kulkarni A.M.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.**Dated: September 09, 2015**

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PER COURT :-

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respective respondents.

2. This Petition takes exception to the judgment and order dated 18th October, 2014 passed by the Respondent No.2 - Chief Executive Officer, Zilla Parishad, Hingoli.

3. The learned counsel appearing for the petitioner submits that, the petitioner's 10 marks are deducted by the

appellate authority from the total marks on the ground that, the petitioner did not submit the caste certificate before cut of date along with the application form. It is submitted that, even Respondent No.4 was allowed to submit passing certificate of 7th standard after the cut of date. Therefore, according to the learned counsel appearing for the petitioner, once the relaxation is given to Respondent No.4 for submitting passing certificate of 7th standard, the relaxation should have been given to the petitioner for submitting the caste certificate, after the cut of date and rightly the Committee added 10 marks for submitting caste certificate by the petitioner. It is submitted that, though the caste certificate was not submitted before the cut of date, nevertheless, the school transfer certificate is on record wherein the caste of the petitioner is mentioned. Therefore, according to the learned counsel appearing for the petitioner, the Petition deserves to be allowed.

4. On the other hand, the learned counsel appearing for Respondent No.2, relying upon the reasons recorded by the Appellate Authority, submits that, the Petition may be rejected.

5. The learned counsel appearing for Respondent No.4 invited our attention to the reasons recorded by the Appellate Authority in the impugned judgment and order, wherein the Appellate Authority has entered into exercise of calculating the marks obtained by both the candidates and thereafter reached to the correct conclusion.

6. We have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respective Respondents. With their able assistance, we have perused the pleadings in the Petition, annexures thereto, the reasons assigned by the Appellate Authority and also the advertisement issued.

7. Upon careful perusal of the advertisement, it appears that, the candidate was supposed to submit the documents indicated therein along with the application form. Admittedly, the caste certificate was not submitted by the petitioner before 31st July, 2014. It is true that, Respondent No.4 was allowed to submit passing certificate of 7th standard after 31st July, 2014, however, it appears

that, for educational qualifications there is only one mark given. That was also subsequently deducted by the Appellate Authority while calculating the total marks obtained by the petitioner and Respondent No.4.

8. We have carefully perused the advertisement. There is no power of relaxation given to the authorities, so as to accept the documents after cut of date. In that view of the matter, the Appellate Authority after considering the conditions in the advertisement and also after undertaking exercise of calculating the marks obtained by the candidates, after deducting the marks given to the petitioner for filing in the caste certificate and after deducting one mark from the total marks secured by Respondent No.4 reached to the just conclusion.

9. In the light of above, in our opinion, no case is made out to interfere in the judgment and order passed by the Appellate Authority. Hence the Petition is rejected.

(**A.M. BADAR, J.**)

(**S.S. SHINDE, J.**)

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