

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1239 OF 2015**

Devika Dayasagar Late and others ...Petitioners.

versus

Mira Bhayandar Municipal Corporation
and another ..Respondents.

.....

Mr. G.K. Sovani for the Petitioners.

Mr. N.R. Bubna for Respondent No.1.

Mr. P.G. Sawant, AGP for Respondent No.2.

.....

**CORAM : NARESH H. PATIL &
A.S. GADKARI, JJ.**

9th February, 2015.

P.C. :

The learned counsel for the Petitioners submit that the Petitioners are in service of the Corporation. They want to participate in the interview held for the post of GNM. Their contention is that they have not passed 10 + 2 examination in Science subject. The applications have been invited from the candidates who have passed 10 + 2 in Science subject. This amounts to discrimination. The second issue raised is that the reservation is prescribed by the Corporation to persons having disability which will not serve the public purpose.

2. The learned counsel appearing for the Corporation submits that the qualification prescribed for the said post is fixed by the Corporation and approved by the State Government. The interviews have already started from today. The learned counsel submits that in accordance

with the directions issued by the Division Bench (Shri A.S.Oka and Shri S.C. Gupte, JJ) in PIL No.38 of 2006, the Corporation is to start 200 beds hospital at the earliest. Though the Corporation challenged the order passed by the Division Bench in the Apex Court, the SLP came to be dismissed by an order dated 19th September, 2014.

3. The Petitioners claimed to be in service of the Corporation. In case they qualify to appear in the interview, the Corporation would consider them in accordance with rules and condition of eligibility. In respect of the objection regarding other candidates being employed, we are not convinced to entertain that plea.

4. The learned counsel appearing for the Petitioners submitted that since the infrastructure of the hospital is incomplete, no interviews shall be held. The learned counsel for the Corporation submits that the interviews are being held so that no sooner the infrastructure is ready, they shall be in a position to start the hospital. Considering the fact that the opening of the hospital would be in the larger public interest, we are not inclined to interfere in the matter. The Petition is dismissed.

(Naresh H. Patil, J.)

(A.S. Gadkari, J.)