

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 7817 OF 2013
WITH
CIVIL APPLICATION NO. 1537 OF 2014 in WP NO. 7817/13

Shri Yogesh Sudhakar Hiwarale	...	Petitioner
V/s.		
The Collector, Nasik & ors.	...	Respondents

Mr. Ashwini Seluka holding for Anamika Malhotra for respondents 2 and 3.
Mr. P.G. Kayande for petitioners.
Mr. P.P. Kakade, AGP for the State.

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

17th February, 2015.

P.C.

Heard learned Counsel for the parties.

2. The petitioner seeks directions to declare that the selection list for the post of the agriculture officer prepared by respondents is bad in law. The petitioner seeks further direction to respondents to include his name in the select list for the post of the Agriculture Officer.

2. Admittedly, the petitioner participated in the selection process for appointment as an agricultural officer by way of nomination. The advertisement no. 1/2013 was issued on 15th April, 2013 by Zilla Parishad, Nashik. The petitioner admittedly is having qualification B.Sc. Agriculture, Second Class. He passed written examination. The petitioner was called for oral interview. It is the submission of learned Counsel appearing for petitioner that he stood first in the interview but his name was not published in the list of selected candidates. According to learned Counsel the person who was selected in place of petitioner has been made party respondent no.4 herein.

3. The learned Counsel appearing for petitioner submits that the qualifications mentioned in the advertisement are contrary to the service rules. Once the petitioner was allowed to participate in the written examination and oral interview, the respondents are bound to declare the results and in case the petitioner was successful then there was no other alternative then to appoint him. Learned Counsel placed reliance on various judgments which are as follows.

i) The State of Mysore v/s. S.R. Jayaram {AIR 1968 Supreme Court, 346},
ii) Ms. Anvita Singh v/s Union of India & anr. {WP(C) No. 4376/2011}, iii)
University of Jammu vs. T.S. Khan & ors. {AIR 2011 SC 1788}, iv) K.
Narasimha Murthy v/s. Karnataka Public Service Commission {LAWS
(KAR)-2000-2-8}, v) Asha Kaul v/s. State of Jammu & Kashmir [LAWS
(SC)-1992-4-52, vi) Pilla Sitaram Patrudu & ors. v/s. Union of India & ors.

{AIR 1997 SUPREME COURT, 250}.

It is, therefore, submitted that the respondents be directed to appoint him.

4. The learned Counsel appearing for respondents placed reliance on various clauses of advertisement which mention that irrespective of scrutiny of papers, a candidate shall be permitted to participate in the written examination but at proper stage the documents would be verified and thereafter the select list shall be issued. Mere participation in the written examination shall not confer any right on the candidate under the recruitment rules to claim further participation or selection to the said posts. Learned Counsel submits that under the rules and advertisement the petitioner was not qualified to apply, therefore, it was decided not to select the petitioner.

5. We have perused the record placed before us. The rules concerning the nomination to the post of agriculture officer mandate that a person shall not be in the services of Zilla Parishad and his age shall not be above 38. It is further required that applicant shall possess post graduate degree, minimum of Second Class or degree in the agriculture subject in the First Class from deemed university.

In the advertisement such a requirement was mentioned. The petitioner admittedly is B.Sc. Second Class. This itself shows that he was not qualified to apply for the said post but the fact remains that he participated in the written examination and called for interview. At that stage it was

noticed that he does not fit in the criterias to be considered for the said post and accordingly the Zilla Parishad decided not to publish his name in the list of selected candidates.

6. The petitioner lacks specific qualification to apply to the post. It is submitted by respondents that recruitment process was conducted by private agency. The applications were invited on-line. Some error has taken place but that does not confer any vested right on the petitioner to claim appointment to the said post.

8. We have perused the judgments cited supra. In the facts of the case petitioner does not have legally enforceable right to be appointed to the said post. He lacks basic qualification. There is inherent deficiency in the candidate's application. No interference is warranted under extraordinary writ jurisdiction of this Court. Writ Petition is dismissed.

9. In view of dismissal of writ petition, civil application does not survive and is dismissed accordingly.

(A.S. GADKARI, J.)

(NARESH H. PATIL, J.)