

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION STAMP NO.23817 OF 2014

Anand Maruti Chavan & anr.

... Petitioners

Vs.

State of Maharashtra & Ors.

... Respondents

Mr.Yashodeep Deshmukh i/b Ramdas Shelke for the Petitioners
Ms.S.S. Bhende, AGP, for Respondent No.1

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 12th JANUARY, 2015

P.C.:

By this petition, the petitioners challenge the order of the State Government dated 26.8.2014 holding that the petitioners were not entitled to appointment on the posts of System Analyst and Programmer respectively as they did not have the necessary experience in Software/Hardware development in Government or Semi-Government organisations.

In pursuance of the advertisement issued by the respondents, the petitioners had applied for the posts of System Analyst and Programmer. The petitioner No.1 was appointed on the post of System Analyst and the petitioner No.2 on the post of Programmer. When the case of the

petitioners was sent to the concerned Department of the State Government for pay verification, it was noticed that the petitioners did not possess the requisite qualifications. The petitioners were asked to show cause and the petitioners pointed out to the respondents that they were duly selected after verification of the documents possessed by the petitioners in respect of their qualifications. According to the petitioners, the petitioners' services were terminated on the ground that they did not possess the necessary qualifications.

It is stated on behalf of the petitioners that the requisite qualification for appointment on the post of System Analyst was B.E/B.Tech or M.Sc./MCA or MCS in Computers and 5 years experience in Software/Hardware development in Government or Semi Government organisation. So also, according to the petitioners, the requisite qualification for appointment on the post of Programmer was a Bachelors Degree in Computer Science or M.Sc (Computers) or MCS with 3 years experience in Software/Hardware development in a Government or Semi Government organisation. It is stated that the petitioners possessed the necessary academic qualifications and also possessed the requisite experience. It is stated that the petitioners were working as Lecturers in the Solapur University and taught the students of the MCA course. It is stated that the dismissal of the petitioners on the ground that they did not

possess the requisite qualification is not proper.

On hearing the learned Counsel for the petitioners and on perusal of the details in respect of the experience of the petitioners, it appears that the petitioners did not possess the necessary experience in Software/Hardware development. The petitioner No.1 had only an experience of 3 months and 13 days as a Software Developer and for more than 5 years and a couple of months, an experience in teaching. So also the petitioner No.2 does not possess the experience in Software/Hardware development but only has a teaching experience of 3 years and 8 months. What was required by the advertisement issued by the Solapur University is an experience in Software/Hardware development and not an experience in teaching. The petitioners are not in a position to point out that the petitioners did have the experience in Software/Hardware development as prescribed in the advertisement. There is nothing wrong in the action of the respondents in dismissing the petitioners for not possessing the necessary experience.

Since there is no infirmity in the orders of the respondents, the writ petition is dismissed with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)