

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12098 OF 2013

Nirbhay Pratishthan Trust & anr Petitioners

vs

The State of Maharashtra & ors .. Respondents

Mr.Sagar Kasar for Petitioners

Mr.V.B.Thadani Additional Government Pleader

for Respondent nos.1 to 4 State

Mr.Santosh Shirsat for Respondent no.5

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CORAM: MOHIT S.SHAH, C.J. AND
G.S.KULKARNI, J

DATE: 27 April 2015

PC.

1. In this petition under Article 226 of the Constitution of India the petitioner has challenged the recruitment process conducted by respondent no.5 for appointment of persons on various posts pursuant to the advertisement dated 23 October 2013. The petitioner has also prayed for issuance of guidelines with regard to recruitment of persons with disability in the recruitment process.

2. Learned counsel for the respondent no.5 had submitted at the hearing on 30 March 2015 that in view of the decision of the Division Bench of this Court in ***BOMBAY INSTITUTION FOR DEAF***

AND MUTES and Anr vs. DEPARTMENT OF SOCIAL WELFARE, PUNE and others (2002) 1 MAH.L.J. 354 and since the petitioner is receiving grant-in-aid from the Government, since it is recognised Minority Institution vide Government Order dated 7 May 2009 the respondent no.5 is not required to provide for reservation in favour of the persons with disability.

3. At the last hearing learned counsel for the petitioner had submitted that there were some malpractices in the selection process for filing in various posts and that respondent no.5 had not obtained approval of the Assistant Director of Ayurved, respondent no.4. Accordingly, we had directed respondent no.5 to submit a report to respondent no.4 within a period of one week and the respondent no.4 was directed to take appropriate decision in the matter.

4. Today, learned Additional Government Pleader has tendered an Additional Affidavit-in-reply of the Assistant Director of Ayurved, Konkan Bhavan Navi Mumbai. It is stated in the said Affidavit that the Government had considered the report dated 6 April 2015 of the respondent no.5 and the Assistant Director did not find any illegality or irregularity in the selection process.

5. The learned Additional Government Pleader has shown

for our perusal the file containing the minutes of meeting of the selection committee which had conducted the interviews. It is the case of the respondents that the petitioner no.2 was not called for the interview because he had obtained 25 marks out of 75 marks at the written examination and that only those who had obtained 45 marks out of 75 marks were called for oral interviews.

6. In view of the above, we do not find any merit in this petition. Petition is therefore, summarily dismissed.

CHIEF JUSTICE

(G.S.KULKARNI, J)