

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2586/2015

(VIJAY ANAND SARKATE **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.P. Pendke, counsel for the petitioner.
Shri N.S. Khubalkar, A.G.P. for the R-1 & 2.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : AUGUST 27, 2015.

By this petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal dated 22.09.2014 dismissing the original application filed by the petitioner.

The petitioner had applied for the post of Peon from Open-Project Affected Persons Category. According to the selection criteria, 75 marks were allotted for the written test and 25 marks were earmarked for the interview. It is the case of the petitioner that there was no oral interview of the candidates and in stead the committee directed the petitioner and the other candidates to answer the questions mentioned in the proforma issued to each of the candidates. According to the petitioner, certain marks were granted for proficiency in sports, technical knowledge and for the knowledge in computers. The answer sheet of the petitioner showed that the petitioner did not possess knowledge in computers and did not have proficiency in sports, whereas the candidates who were selected on the post of Peon had produced necessary certificates to show their proficiency in computers and sports. Hence, the petitioner was allotted lesser marks than the other candidate in the interview.

In the circumstances of the case, the Tribunal rightly dismissed the original application filed by the petitioner. The Tribunal held that the committee could have made the queries to the candidates in a prescribed form to gauge the proficiency and knowledge of the candidates on technical side, in computers and also in sports. Since the other candidates were better placed than the petitioner in respect of knowledge and proficiency in sports and computers, they were granted higher marks than the petitioner. Admittedly, the total marks secured by the other candidates are higher than the total marks secured by the petitioner. In such circumstances, we do not find any illegality in the impugned order so as to interfere with the same in exercise of the writ petition. There is no merit in the submission of the petitioner that the questions could have been posed to the candidates only orally and the candidates should not have been asked to answer the questions on the proforma. The Tribunal rightly held that the proforma represents a structured method of evaluating the candidates on the basis of certain objective standards which are held to be relevant.

Since the order of the Tribunal is just and proper, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

APTE