

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No.2992 of 2014

(Ku. Pratibha Harishchandra Rathod .vs. State, through its Collector and President of
District Selection Committee, Amravati and Ors.)

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

Court's or Judge's orders

Mr.V.N.Patre, Adv. for the petitioner.
Mr.Adgokar, A.G.P. for respondent no.1.
Mr.Manoj A. Sable, Adv. for respondent nos. 2 and 4.

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : 19th JANUARY, 2015.

Heard.

The only question is whether the petitioner who belongs to V.J. (A) category and has got highest marks could have been denied appointment against a reserved post.

It is not in dispute that, as per the advertisement, there were total 20 posts to be filled in Marathi medium to teach the subjects like English, Maths, Science, English Literature etc. Out of them, eleven posts were to be filled in through open category candidates and two posts were for VJ (A) category. Out of these two posts, one carried a horizontal reservation for women.

The case of Mr.V.N.Patre, learned Counsel for the petitioner is that the petitioner – a woman having 67.25% marks in B.Ed. course could not have been denied appointment.

The learned A.G.P. submits that he is still

awaiting instructions.

Mr. Manoj Sable, learned Counsel for respondent nos. 2 and 4, however, invited our attention to reply-affidavit. He submits that there was no reservation for the subject in which the petitioner sought employment. He relies upon advertisement for the said purpose. He has also invited our attention to information supplied to petitioner on 27.12.2013 under the Right to Information Act.

The learned A.G.P. as also Mr. Manoj Sable, learned Counsel state that the earlier Writ Petition No.4579 of 2012 filed by the present petitioner was not entertained by this Court.

Writ Petition No.4579 of 2012 was disposed of by this Court on 15.7.2013 after noticing a statement that the impugned select list was already withdrawn. The said petition does not have any bearing on the present controversy.

Perusal of the advertisement shows that, out of total 20 posts, three posts were available for teaching subjects English, four posts for teaching Maths, four posts for teaching Science, four posts were for persons having B.P.Ed. qualification while two posts were for the candidate having graduate degree in English literature with B.P.Ed. qualification. There is one post for teaching maths for Science graduate with B.P.Ed. and two posts for Science graduate with B.P.Ed. qualification. Thus, as against total 20 posts, there is no specific earmarking in any particular subject of such social reservation.

Out of total 20 posts, two posts are reserved for VJ (A) category and out of these two posts, one is reserved

for VJ (A) woman candidate. The petitioner is belonging to VJ (A) category and is also a woman candidate.

It is not in dispute that the petitioner had secured highest marks insofar as VJ (A) category candidates are concerned. Therefore, social reservation post could have been given to the petitioner and the reservation should have been fastened on the subject in which the petitioner was eligible.

Learned Counsel for the petitioner, upon instructions, states that even if the petitioner is provided employment today, nobody is required to be displaced. In view of this statement, we allow the Writ Petition and direct respondent nos. 2 and 3 to provide employment to the petitioner as V.J. (A) candidate.

The appointment shall be done either in V.J. (A) (open) category or then V.J. (A) (woman) category as the case may be. Necessary steps in this connection shall be taken within four weeks from today. The petition is, thus, partly allowed. No costs.

JUDGE

JUDGE