

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

WRIT PETITION NO.2873 OF 2014

Ku.Raushan Ara Parvin D/o Haji Zamir Ahemad Yasini

-VS-

District Selection Committee, Bhandara and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.N.R.Saboo, counsel for the petitioner.
Mr.N.R.Patil, AGP for the respondent Nos.1 and 5.
Mr.M.I.Dhatrak, counsel for the respondent No.2.
Mr.A.J.Khan, counsel for the respondent No.3.

CORAM : SMT.VASANTI A. NAIK &
PRASANNA B. VARALE, JJ.

DATE : 19.06.2015.

By this petition, the petitioner challenges the selection and appointment of the respondent No.3 on the post of Assistant Teacher.

According to the petitioner, the respondent No.3 was not eligible for appointment on the post of Assistant Teacher and though the petitioner was more meritorious, the respondent-Municipal Council appointed the respondent No.3 on the said post.

Shri Dhatrak, the learned counsel for the respondent-Municipal Council, submitted that the petitioner cannot be permitted to challenge the appointment of the respondent No.3 as the petitioner was not eligible for seeking the appointment. It is stated that the maximum age prescribed for a candidate to apply, on the date of the application was 33 years and admittedly, as could be seen from the application of the petitioner, the petitioner was more than 33 years of age on the date of the application. It is

submitted that the petitioner cannot effectively challenge the appointment of the respondent No.3 in the circumstances of the case.

On hearing the learned counsel for the parties, it appears that the petitioner cannot be permitted to challenge the appointment of the respondent No.3, when the petitioner was not eligible to seek the appointment. The advertisement clearly provided for the maximum age for appointment. The maximum age as prescribed by the advertisement was 33 years and admittedly the petitioner was more than 33 years of age on the date of application. The petitioner did not challenge the advertisement before applying for the said post on the ground that the maximum age could not have been fixed at 33 as no maximum age is prescribed in the Secondary School Code. The petitioner applied in pursuance of the advertisement though she was not eligible to apply in terms of the same. It is well settled that a party participating in the selection process cannot be permitted to subsequently challenge the same. It would be worthwhile to refer to the judgments, reported in (2009) 3 SCC 227 (Amlan Jyoti Borooah v. State of Assam), (1997) 4 SCC 426 (University of Cochin v. N.S. Kanjoonjamma) and (2011) 1 SCC 150 (Vijendra Kumar Verma v. Public Service Commission) in this regard.

Since the petitioner was not eligible for seeking appointment, the petition cannot be entertained at the behest of the petitioner for challenging the appointment of the other candidate. Hence, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE