

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

WRIT PETITION NO. 2088/2014

(SUDARSHAN KRUSHNARAO GOLHAR **VERSUS** 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 R.V. Shiralkar, counsel for the petitioner.
 Shri N.R. Patil, A.G.P. for the R-1 & 3.
 Mrs. Anjali Joshi, counsel for the respondent no.4.

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

DATE : JULY 3, 2015.

By this Petition, the petitioner impugns the order of the Maharashtra Administrative Tribunal dismissing the original application filed by the petitioner and holding that the rejection of the candidature of the petitioner was just and proper.

The respondents had issued an advertisement on 07.01.2012 advertising 61 posts of Canal Inspectors. One post was earmarked for O.B.C. (Part Time) and the petitioner had applied for the said post. In the advertisement, the educational qualifications were mentioned. It is not in dispute that the petitioner possessed the required educational qualifications. By a corrigendum dated 14.01.2012, it was informed that it was necessary for a candidate to possess a MS-CIT certificate. Admittedly, the petitioner did not possess the MS-CIT certificate at the relevant time. In pursuance of his application, the petitioner was called by the respondents for written examination and interview. At the time of interview, it was found on verification that the petitioner did not possess the MS-CIT certificate. The candidature of the petitioner was, therefore, rejected by the respondents. The order rejecting the candidature of the petitioner was challenged by the petitioner before the Maharashtra Administrative Tribunal. The Tribunal by the impugned order dated 18.03.2014, dismissed the original

application filed by the petitioner. The order of the Maharashtra Administrative Tribunal is impugned in the instant petition.

On hearing the learned counsel for the parties and on a perusal of the impugned order, it appears that the Tribunal was justified in dismissing the original application filed by the petitioner. The Tribunal rightly held that the petitioner could not have effectively challenged the rejection of his candidature on his failure to produce the MS-CIT certificate. The Tribunal rightly held that the petitioner had participated in the selection process without holding the MS-CIT certificate and without challenging the corrigendum. The Tribunal rightly held that the petitioner, having participated in the selection process, could not have turned around to challenge the action of the respondents in rejection of his candidature for not possessing the MS-CIT certificate. The Tribunal rightly held by relying on the judgment of the Hon'ble Supreme Court, reported in **(1995) 3 SCC 486** (*Madan Lal & Others Versus State of J & K & Others*) that a candidate participating in the selection process could not be permitted to challenge the selection criteria after the rejection of his candidature. It would be worthwhile to also refer to the judgments of the Hon'ble Supreme Court reported in **(2009)3 SCC 227** (*Amlan Jyoti Borooah Versus State of Assam & Others*), **(1997) 4 SCC 426** (*University of Cochin Versus N.S. Kanjoonjamma & Others*) with (*V. Vasudevan Versus University of Cochin & Others*), **(2008) 4 SCC 171** (*Dhananjay Malik & Others Versus State of Uttaranchal & Others*) and **(2011) 1 SCC 150** (*Vijendra Kumar Verma Versus Public Service Commission, Uttarakhand & Others*), in this regard. The order of the Tribunal is just and proper and in consonance with the settled position of law. There is no reason to interfere with the same in exercise of the writ jurisdiction.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

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