

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

WRIT PETITION NO. 1943 OF 2015.

Suresh Gajananrao Umare .vs. The Director, Maharashtra State Power  
Generation Company Limited, Mumbai & others

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

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Mrs. T.D. Khade, Advocate for petitioner,  
Mr. A.D. Mohgaonkar, Advocate for respondents.

**CORAM : B.P. DHARMADHIKARI & S.B. SHUKRE, JJ.**

**DATED : APRIL 15, 2015.**

Heard the learned Counsel for the parties.

The petitioner who was aware from 23.2.2015 that he has to report for his examination on 28.2.2015 at 8.30 a.m. at a place Koradi near Nagpur reached late by about one hour and ten minutes. The instructions clearly show reporting time. As petitioner was late, he was not examined on 28.2.2015. It is the case of petitioner that he was asked to come on next date, i.e. 1.3.2015 when other batch was to be examined. When he reported on the next day, he was not allowed to participate.

Mrs. T.D. Khade, learned Advocate for petitioner, submits that on 27.2.2015 petitioner was on duty at Parli Vaijnath, his wife is heart patient and had undergone surgery and recuperating. Because of same, he could not leave early. In unfortunate situation, petitioner got late. When 52 officers (Additional Executive Engineers) were to participate in selection process on 28.2.2015 and remaining 52 were to participate on 1.3.2015, petitioner could have been permitted to

participate on 28.2.2015 or then in any case on 1.3.2015.

Mr. A.D. Mohgaonkar, learned Advocate for respondents, submits that in view of examination type and time-table as circulated, it was incumbent upon the petitioner to report within time and to participate from very beginning. He submits that there was no assurance to petitioner of any type and on his own he appeared and tried to participate in examination on 1.3.2015 and he was rightly not permitted. He further submits that now the selection process is over and candidates have been shortlisted for interviews.

The selection process is for selection to the post of Executive Engineer in employment of MAHAGENCO. The officers working in cadre of Additional Executive Engineers alone can participate in that exercise. The petitioner was aware that examination was to begin by simultaneous exercise, followed by group discussion, then case discussion and thereafter presentation writing. It was to end by presentation before the observers. Thus, the performance of an individual in the background of his colleagues participating therein was to be evaluated in said examination. We, therefore, find substance in contention of respondents that petitioner ought to have participated right from beginning as otherwise, it would be injustice to the fellow participants.

The petitioner in his representation submitted on 28.2.2015 mentioned that his travel "has failed" on Parli to Nagpur route. In his representation dated 17.3.2015 he has stated that he was hospitalized due to Typhoid and joined his duties at Thermal Power Station, Parli on 27.2.2015 due to shift incharge rota problem. He has stated that thereafter he learnt that examination was scheduled on 28.2.2015 at 9.30 hours at Koradi and hence, after completing his shift between 15 hours to 23 hours, he started for Koradi and reached there on

28.2.2015 at 9.35 hours.

Thus, there is some inconsistency in his version in the two documents/representations.

Now, the examination of both batches is over. The petitioner alone cannot be examined and he cannot be asked to participate with others in collective exercises. We, therefore, find that situation has become irreversible.

The petition is, therefore, without any merit. It is rejected.  
No costs.

**Judge**

**Judge**

J.