

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

WRIT PETITION NO. 3312 /2014

(Usha Bhaskar Ingle vs. The Director, National Civil Defence College, and
another)

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

Court's or Judge's order

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Mrs. R.S. Sirpurkar, Advocate for petitioner

CORAM : SMT. VASANTI A. NAIK &
A.M. BADAR, JJ.

DATED : 28th April, 2015.

Heard.

By this petition, the petitioner impugns the order of the Central Administrative Tribunal, dated 23.1.2014, dismissing the Original Application filed by the petitioner.

The petitioner had challenged the appointment of the respondent no.2, on the post of Lower Division Clerk, by the respondent no.1 in 2007, by an Original Application, filed in the year 2008. According to the petitioner, though the petitioner was appointed in the year 1994 and the respondent no. 2 was also appointed as a *Safai Karmachari* in the year 1996, the respondent no. 2 had concealed the fact that he had passed the S.S.C. examination when the qualification for appointment of a candidate on the post of *Safai Karmachari* was passing standard IV examination only. According to the petitioner, though it was necessary for the respondent nos.1 to conduct the Typing examination, the same was not conducted. The Tribunal did not find favour with the case of

the petitioner and hence, by the impugned order dated 23.1.2014 dismissed the Original Application.

On hearing the learned counsel for the petitioner and on a perusal of the impugned order, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. The petitioner and the respondent no.2 claimed to be eligible for appointment on the post of Lower Division Clerk and in the written examination, the petitioner had secured 24 marks, whereas the respondent no.2 had secured 27 marks. The submission made on behalf of the petitioner that the respondent no.2 had suppressed the higher qualification at the time of his appointment as *Safai Karmachari* and, therefore, he was not entitled to be considered for promotion on the post of Lower Division Clerk, was rejected by the Tribunal. The Tribunal held that the appointment of the respondent no.2 could not have been set aside on the ground that the respondent no.1 had not conducted the Typing Test as, according to the Circular inviting applications for the post, it was only necessary for the candidates to have the knowledge of Typing in Hindi/English language and the petitioner and the respondent no.2 had produced the certificates in that regard. The Tribunal found, in the circumstances of the case, that the respondent no.2 was more meritorious than the petitioner and was, therefore, rightly appointed on the post of Lower Division Clerk.

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

JUDGE

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