

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

WRIT PETITION NO. 3912/2015

(KISHOR DEVIDAS BHELE **VERSUS** SECRETARY, M.P.S.C., MUMBAI)

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

Court's or Judge's orders

Ms D.N. Jaipurkar, counsel for the petitioner.
 Ms T. Khan, A.G.P. for the respondent.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : AUGUST 27, 2015.

By this petition, the petitioner seeks a direction to the respondent to declare that the petitioner is selected for the post of Civil Judge (Junior Division) and Judicial Magistrate First Class.

According to the petitioner, though the petitioner and several others had secured 132 marks at the examination conducted for the appointment of the Civil Judge (Junior Division) and Judicial Magistrate (First Class), the petitioner was left out and some other candidates securing same marks were placed in the select list. It is stated that as per Clause 3.11.1 of the criteria for selection, the petitioner ought to have been placed in the select list by giving preference.

On hearing the learned counsel for the petitioner and the learned Assistant Government Pleader and on a perusal of relevant clause 3.11.1, it appears that the relief sought by the petitioner cannot be granted. Even if the petitioner has secured 132 marks and several others have also secured the same marks, the petitioner would not be entitled to preference as per the criteria for preference in Clause 3.11.1, as the petitioner has not placed any material on record, whatsoever to prove that the petitioner is entitled to preference over the other candidates securing equal marks. According to the criteria mentioned in 3.11.1, a candidate possessing higher educational qualification would be entitled to

preference. So also, the date of securing the higher qualifications would also be relevant for granting preference. Preference is granted to the candidates belonging to the reserved categories in a particular order, based on the caste to which they belong. A candidate whose age is more than the others would also be entitled to preference. Certain other criteria is also laid down in Clause 3.11.1. The petitioner has not pointed out the comparative merit of the petitioner vis-a-vis the other candidates who had secured 132 marks and whose names find place in the select list. The petitioner has not stated the educational qualifications of the petitioner and the educational qualifications of the other candidates that have secured 132 marks and are selected. The date on which the higher educational qualification is secured is also not mentioned. The age of the petitioner and the age of the other candidates is also not mentioned in the writ petition. In this background, it cannot be said that preference should have been granted to the petitioner and the petitioner's name ought to have been placed in the select list. In the absence of any material whatsoever, it cannot be said that the petitioner was entitled to preference and the other selected candidates were not entitled to the same.

In view of the aforesaid, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

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