

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

WRIT PETITION NO. 4354 OF 2015

Suraj Laxman Kakde

-vs-

State of Maharashtra and others

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

Court's or Judge's Orders.

None for the petitioner.

Ms N.P. Mehta, A.G.P. for the respondents.

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

DATE : 20.08.2015.

We have perused the writ petition as also the order of the Maharashtra Administrative Tribunal, dated 21/04/2015 with the assistance of the learned Assistant Government Pleader.

By this petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, dated 21/04/2015, dismissing the original application filed by the petitioner and upholding the decision of the respondents in rejecting the candidature of the petitioner for appointment on the post of Police Constable.

The petitioner had applied for appointment on the post of Police Constable from the open/general category. There were 57 posts earmarked for the open category. The candidates were divided into groups, each consisting of 20 candidates and each group was further sub-divided into two. According to the petitioner, though he was the topper in his group, he was awarded only 16 marks in the 100 meters running test, whereas certain other candidates, who were placed below him were granted more marks. It is the case of the petitioner that Roshan Shelke was allotted 18 marks in the running test though he was placed in the third position in the group in which the petitioner was placed. The petitioner was placed at Sr.No.4 in the waiting list, as he had secured 177 marks in all. According to the petitioner, he could not

have been allotted 16 marks in the running test. The Tribunal, however, on a consideration of the material on record, dismissed the original application, by the impugned order, dated 21/04/2015.

On a perusal of the impugned order, it appears that the Tribunal did not commit any error in dismissing the original application filed by the petitioner. The petitioner could not have compared himself with Roshan Shelke, who was initially awarded 18 marks in the running test. The respondents had filed an affidavit-in-reply before the Maharashtra Administrative Tribunal stating therein that there was a rectification of marks allotted to Shi Roshan Shelke as 18 marks were wrongly allotted to him. The Tribunal found that Roshan Shelke was neither selected, nor was placed in the waiting list and, therefore, the petitioner could not have compared himself with Roshan Shelke for seeking appointment on the post of Police Constable. The Tribunal further found that the allotment of 16 marks to the petitioner in the running test was just and proper and the said marks were allotted to the petitioner in terms of the parameters laid down by the respondents. Since the petitioner had covered the distance of 100 meters in 12.56 seconds in view of the parameters for awarding the marks in the running test, the petitioner was rightly granted 16 marks. Only the candidates, who could cover the distance of 100 meters within 12.50 seconds were entitled to seek allotment of 18 marks. Since the petitioner had covered the distance of 100 meters in 12.56 seconds, the petitioner was rightly awarded 16 marks. The Tribunal rightly held that the allotment of marks was not on the basis of the position of the candidates in the group, but was based on the time required by each candidate to cover the distance of 100 meters. We do not find any illegality in the order of the Tribunal so as 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

JUDGE