

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

WRIT PETITION No.5256 OF 2013

(Manish Vishnu Rahate .vs. Union of India, through its Secretary, Deptt. of Science and Technology, New Delhi and Ors.)

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

Court's or Judge's orders

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : 9th JANUARY, 2015.

Heard Mr.A.R.Patil, learned Counsel for the petitioner and Ms Tanna, learned Counsel for respondent nos. 2 and 3.

Ms Tanna, learned Counsel for respondent nos. 2 and 3 has submitted that respondent nos. 2 and 3 have not received copy of the petition. Respondent nos. 2 and 3 are served through the Court. As such, we are not accepting this statement that copy of the petition is not received by respondent nos. 2 and 3.

Mr.A.R.Patil, learned Counsel for the petitioner has submitted that the petitioner has participated in the year 2012 for recruitment to the post of Scientist Group-IV. The vacancies available were three; out of which, one was for Scheduled Caste and one was for Other Backward Class. The petitioner belongs to Other Backward Class. When the result of selection process was declared after interviews conducted on 9th or 10th of July, 2014, the petitioner was shocked to see that he was not found suitable for filling in

the post.

Mr.A.R.Patil, learned Counsel for the petitioner submits that the petitioner was already employed with respondent nos. 2 and 3 and he was shortlisted for selection in the years 2010 and 2011 while recruitment process was conducted for filling in the very same post. However, he was not appointed.

The contention is candidate who was found fit in the years 2010 and 2011, therefore, could not have been found not suitable in the year 2012.

The learned Counsel appearing for respondent nos. 2 and 3 has submitted that the petition has been filed directly without making any representation and representation of the petitioner does not show that the petitioner was earlier shortlisted in the years 2010 and 2011.

Mr.A.R.Patil, learned Counsel for the petitioner submits that, in the petition, there is an averment that the petitioner was shortlisted in the year 2010 and 2011.

However, after the interviews were conducted in 2013 (mentioned supra), the petitioner has submitted a representation on 22.7.2013. In that representation, there is no grievance that he was found fit in 2010 and 2011 and as such, the statement in the final select list prepared by respondent nos. 2 and 3 shows that against the Other Backward Class vacancies, nobody was found suitable is incorrect.

As some disputed questions arise, we grant leave to the petitioner to make appropriate representation placing his grievance in detail before respondent nos. 2 and 3. If such representation is made, respondent nos. 2 and 3 shall

consider it in accordance with law within next eight weeks.

With these directions and keeping all the rival contentions open, we dispose of the petition. No costs.

JUDGE

JUDGE

jaiswal