

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

WRIT PETITION NO. 5915/2014
(SACHIN RANVIR NEWARE **VERSUS** M.S.R.T.C., MUMBAI & ANOTHER)

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

Court's or Judge's orders

Shri P.A. Gode, counsel for the petitioner.
Shri V.G. Wankhede, counsel for the respondents.

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

DATE : MARCH 17, 2015.

By this petition the petitioner seeks a direction to the respondents to conduct the interview of the petitioner for the post of Assistant Traffic Superintendent by considering that the petitioner is a male, who has applied from the Special Backward Class category and then either select the petitioner or place the petitioner in the waiting list.

Along with several other candidates, the petitioner also applied for the post of Assistant Traffic Superintendent in pursuance of the advertisement issued by the M.S.R.T.C. After the written test, the respondents were required to call the candidates in the ratio of 1:5 and after conducting the physical fitness test, the respondents were required to call the candidates for the interview in the ratio of 1:3. Admittedly, though a male candidate, the petitioner filled the form by showing himself as a female candidate. The petitioner was, therefore, called for interview along with three other female candidates from the Special Backward Class category believing that the petitioner is a female

candidate. Before the petitioner was interviewed it was noticed that the petitioner is a male candidate and, hence, the petitioner was not interviewed as he had received only 44.54% marks in the written examination. The petitioner has challenged the action of the respondents in not interviewing the petitioner. It is the case of the petitioner that the petitioner should be considered as a male candidate and should be interviewed along with other male candidates and be placed in the select list.

On hearing the learned counsel for the parties and on a perusal of the affidavit-in-reply filed on behalf of the respondents, it appears that the relief sought by the petitioner cannot be granted. It appears that the three male candidates, who were called for the interview, had received 67.27%, 67.57% and 62.73% marks respectively, whereas the petitioner had secured only 44.54% marks at the written examination. It is clear that all the three male candidates who were called for interview were clearly much more meritorious than the petitioner and, therefore, the petitioner was not entitled to be called at the interview. The petitioner cannot seek the relief as claimed in the instant petition merely by referring to a condition in the advertisement that after the written test, the candidates are required to be called for the physical fitness test in the ratio of 1:5 and the condition further prescribes the ratio for the interview to be 1:3. Since all the three male candidates have secured extremely high marks and were much more meritorious than the petitioner, the petitioner cannot make a prayer for a direction to the respondents to call the petitioner for the interview, specially when the post is only one for O.B.C. (Male) category.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

JUDGE

JUDGE

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