

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

Writ Petition No.6012/2014

Manoj Madhav Gaikwad Vs. State of Maharashtra and others

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Shri P.S. Wathore, Advocate for the petitioner.
Shri T.R. Kankale, AGP for the respondent nos.1 and
2.
Shri J. B. Kasat, Advocate for the respondent nos. 3
and 4.

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

DATED : MARCH 26, 2015.

The petitioner seeks a declaration that the petitioner is eligible to be appointed on the post of Junior Engineer, Class-III, Zilla Parishad, Amravati, reserved for scheduled caste (earthquake affected persons category) as per the advertisement issued on 15.9.2014.

It is stated on behalf of the petitioner that though the petitioner had applied in pursuance of the advertisement for the post of Junior Engineer from the scheduled caste (earthquake affected persons category) and though the petitioner had passed in the written examination, the petitioner was not called for interview. It is stated that no person from the aforesaid category is

selected and appointed on the post of Junior Engineer. It is stated that though only one post was earmarked for the other backward classes, two candidates from the other backward classes are selected.

The Respondent-Zilla Parishad has filed an affidavit-in-reply and it is stated therein that it was necessary for the petitioner to secure at least 45% marks in the written examination in view of the Government Resolution dated 27th June, 2008. It is stated that the petitioner secured very low marks, i.e. only 34% marks in the written examination. Since the petitioner did not secure the minimum marks required, for appointment on the post, the Zilla Parishad rightly rejected the candidature of the petitioner. It is stated that in the facts of the case, the petitioner could not have been selected and appointed.

On hearing the learned counsel for the parties and on a perusal of the Government Resolution dated 27th June, 2008, as also the advertisement, it appears that a direction cannot be issued to the Zilla Parishad to appoint the petitioner on the post of Junior Engineer. The petitioner had not secured minimum marks, required for being considered for appointment on the post of Junior

Engineer, in the written examination. Since the petitioner secured only 34% marks as against the minimum marks of 45%, the Zilla Parishad was justified in rejecting the candidature of the petitioner. We do not find any illegality in the action of the respondent-Zilla Parishad in not calling the petitioner for interview. The judgment reported in (2008) 3 SCC 512 (K. Manjusree Vs. State of Andhra Pradesh and another) and relied on by the counsel for the petitioner cannot be made applicable to the facts of this case, as in the instant case the Zilla Parishad had not changed the criteria after the advertisement was issued.

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

JUDGE

JUDGE

Ambulkar