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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.756 OF 2011
WITH
CIVIL APPLICATION (ST.) NO.27926 OF 2016**

Arun s/o Dayaram Vhavale

..PETITIONER

VERSUS

Maharashtra State Road Transport
Corporation, Through its Vice Chairman
& Managing Director & ors.

..RESPONDENTS

Mr Parag Shahane, Advocate for petitioner

**CORAM : S. V. GANGAPURWALA
AND N.W. SAMBRE, JJ.**

DATE : 14th September, 2016

ORAL ORDER :

Mr Shahane, the learned Counsel for the petitioner submits that pursuant to the advertisement issued by the respondents for filling in the posts of Helper, the petitioner applied. The petitioner was working with M.S.R.T.C. as Apprentice, however, because of ill health of his father could not complete the same. The respondents had provided 50% reservation to the candidates from Apprentice category and 50% were meant for Non-apprentice category. The petitioner could have been considered from Non-apprentice category. The petitioner belongs to Scheduled Caste and had applied as a Scheduled Caste candidate. Two posts were shown to be meant for Scheduled Caste candidates. Though two posts were meant for Scheduled Caste candidates, the respondents

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appointed three candidates, more than the posts advertised. Illegality has been committed. This Court can suo motu take cognizance of the said aspect. Learned Counsel relies on the interim order of the Division Bench of this Court in Writ Petition No.451 of 2011, dated 3rd March, 2011. The learned Counsel submits that the petitioner was deliberately awarded less marks by the selection committee. The respondents have also failed to produce the record of the assessment made in the written as well as oral interviews. This Court may call for the record.

2. The respondents, along with the affidavit have placed on record the marks obtained by each and every candidate. The petitioner is at the bottom of the said list. Taking the case either way as submitted by the petitioner, the petitioner would not be entitled for the appointment, being at the bottom of the list. The petitioner also does not contend that those selected from Scheduled Caste category have obtained less marks than the petitioner. None of the candidates selected from any of the categories has less marks than the petitioner.

3. The selection process is of the year 2010. After lapse of six years, we are not inclined to take suo motu cognizance of the factum of more posts being filled in than the advertised. However, the petitioner, under any circumstance, would not stand to benefit being at the bottom of the list and having secured less marks.

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4. The contention of the learned Counsel for the petitioner that the assessment of marks be looked into cannot be considered. This Court would not sit as appellate authority over the assessment made by the members of the selection committee.

5. In view of that, no case for interference is made out. Writ Petition dismissed. No costs.

(N.W. SAMBRE, J.)

(S.V. GANGAPURWALA, J.)

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