

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

WRIT PETITION NO.2094 OF 2016

Rameshwari d/o. Sukhdev Solankar ..Petitioner

Vs.

The State of Maharashtra and ors. ..Respondents

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Mr.K.M.Nagarkar, advocate for petitioner

Mr.A.G.Magre, AGP for respondent no.1 – State

Mr.S.T.Shelke, Advocate for respondent nos.2 and 3

Mr.P.B.Shirsath, Advocate for respondent no.4

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.**

DATE : JUNE 08, 2016

PER COURT :

Heard the learned Counsel appearing for the parties. Perused the contents of the petition and the documents produced on record.

2] The learned Counsel appearing for the petitioner submits that the petitioner has been denied appointment to the post of Assistant Civil

Engineer on the sole ground that the petitioner has not submitted Non-Creamy Layer Certificate issued by the competent authority. He submits that the petitioner applied for the said post from Open Women Category and clearly mentioned in her application that she does not possess Non-Creamy Layer Certificate. Therefore, according to him, on the ground that the petitioner has not produced Non-Creamy Layer Certificate, her appointment to the said post should not have been denied by the respondents/authorities.

3] The learned Counsel appearing for respondent nos.2 and 3 submits that from the Open Women Category, a candidate who has secured 126 marks has been selected to the said post. The petitioner has secured 112 marks and therefore, in view of the merit of the petitioner, she has been denied appointment to the said post.

4] Upon considering the rival submissions and the documents on record, it is clear that a candidate from the Open Women Category who has secured 126 marks has been given appointment to the said post. Admittedly, the petitioner, while filling the application for appointment to the said post has mentioned that she does not fall under the Non-Creamy Layer. Therefore, the question to consider the petitioner's candidature from Non-Creamy Layer would not arise.

5] For the reasons afore stated, we do not see any reason to entertain this petition. The petition stands rejected.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]