

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 2326 OF 2016

PANNA RAMDAS SARKALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. P.B. Shirsat h/f
Mr. Bhore K.S.
AGP for Respondent/State : Mrs. A.V. Gondhalekar
Advocate for Respondent nos.2 and 3 : Mr. Shelke
Shivaji T.

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CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.
Dated: April 20, 2016

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PER COURT :-

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for Respondent Nos. 2 and 3. The learned counsel appearing for the petitioner submits that, pursuant to the advertisement the petitioner applied for the post of Health Worker Woman. Her application was accepted. Not only that she was selected and her name was included in the selection list. She was interviewed and during interview, she has been told that she does not possess the qualification of A.N.M. (Auxiliary Nurse Midwife). The learned counsel appearing for the petitioner submits that, the petitioner has passed R.G.N.M. (Revised General Nursing

Midwife Course) course and the said R.G.N.M. course is equivalent to A.N.M. Rather the said R.G.N.M. qualification is higher qualification than the A.N.M. The learned counsel appearing for the petitioner invited our attention to the reported judgment of the Hon'ble Supreme Court in the case of **Y. Srinivasa Rao V/s Veeraiah and others**¹, and submits that, the Petition deserves to be allowed.

2. On the other hand, the learned counsel appearing for Respondent No.3, relying upon the averments made in the affidavit in reply, and in particular para 2 thereof, submits that, the qualification possessed by the petitioner i.e. R.G.N.M. was not mentioned in the advertisement. The petitioner has not completed the course of A.N.M., as required for the post of Health Worker Woman. The said R.G.N.M. degree is neither equivalent nor post-graduate course of A.N.M.. Therefore, he submits that, the Petition may be rejected.

3. We have given careful consideration to the submissions advanced by the learned

1 AIR 1993 SC 929

counsel appearing for the petitioner and the learned counsel appearing for Respondent No.3. Admittedly, the petitioner does not possess the exact qualification mentioned in the advertisement. It is the contention of the learned counsel appearing for the petitioner that, the qualification possessed by the petitioner i.e. R.G.N.M. be treated equivalent to A.N.M. It is not possible for this Court to undertake such exercise to find out whether R.G.N.M. is equivalent to A.N.M. Apart from it, if the petitioner was aggrieved by non-inclusion of R.G.N.M. course in the advertisement for the appointment of the post meant for A.N.M. course, in that case, it was open for the petitioner to take exception to such advertisement, since the said advertisement did not mention R.G.N.M. qualification, while advertising the post.

4. In that view of the matter and in view of the ratio laid down by the Hon'ble Supreme Court in the case of *State of Rajasthan and others Vs. Lata Arun*², and other judgments referred herein above, it is not for Courts to decide whether a particular educational qualification should or should

² AIR 2002 SC 2642

not be accepted as equivalent to the qualification prescribed by the authority. Therefore, the petitioner is not entitled for the reliefs prayed for in the Petition, hence, Petition stands rejected.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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