

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

WRIT PETITION NO.4446 OF 2016

SHAHED HUSSAIN MUSHTAQ HUSSAIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner :Mr.Pathan
Hamzakhan I.

AGP for Respondents/State: Mr.C.V.
Dharurkar.

...

CORAM:S.S.SHINDE & SANGITRAO S. PATIL, JJ.

Dated: MAY 05, 2016

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Heard learned Counsel for the
petitioner and learned AGP appearing for
the respondents / State. With their able
assistance, perused the pleadings in the
petition, annexures thereto and reply
filed by respondents.

2 The learned Counsel for the
petitioner submits that the candidates at
Sr.Nos.224, 227, 247 and 281, though
secured less marks than the petitioner,
have been selected and the petitioner was

not even called for the interview. Therefore, according to the learned Counsel for the petitioner, petitioner's candidature ought to have been accepted from open category. He further submits that the advertisement indicates certain reserved posts for 'male category' and some seats for the 'female category'. However, from the female category, four candidates have been selected and shown against the seats which are earmarked for the 'male category'. Therefore, according to the Counsel for the petitioner, petition deserves to be allowed.

3 On the other hand, the learned AGP appearing for the State submits that there cannot be any specific reservation for male and the candidate from any category can be considered while considering the vertical reservation from general category. The learned AGP has tendered across the Bar copy of the merit list and submitted that the candidates at Sr.Nos. 224, 227, 247 and 281 are from reserved category i.e. Ex-servicemen, Part Time former Employees, Home Guards etc., and therefore, their candidature has been considered from the said category and not from open category. He submits that for

the open category 61 marks was the cut off and no candidate securing below 61 marks from the general male category, has been selected.

4 We have considered the submissions of the learned Counsel for the petitioner and learned AGP appearing for the State. As already argued by the learned AGP, four candidates at Sr.Nos.224, 227, 247 and 281 are from reserved categories and they have been considered as against the said categories. Second limb of the argument of the learned Counsel for the petitioner that, out of the seats reserves for male category, four female candidates have been given appointments, has no force. Therefore, we do not find any substance in the petition.

Hence, petition stands rejected.

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