

UNREPORTED

IN THE HIGH COURT OF JUDICATURE AT

BOMBAY

BENCH AT AURANGABAD.

WRIT PETITION NO.6950 OF 2015.

Dnyaneshwar Virbhan Patil,
Age 35 years, Occ.Nil,
R/o Tade, Tq. Erandol,
Dist.Jalgaon. ... Petitioner.

Versus

1. The State of Maharashtra,
through its Principal
Secretary, State Transport
Department, Mantralaya,
Mumbai-32.

2.The Chief Controller,
Central Office, Maharashtra
Wahatuk Bhavan, Dr.
Anandrao Nayar Road,
Mumbai Central,
Mumbai-400 008.

3. The Deputy Chief
Controller (Karmachari
Varga), Central Office,
Maharashtra Wahatuk Bhavan,
Dr. Anandrao Nayar Road,
Mumbai Central,
Mumbai-400 008.

4. The Divisional Controller,
Maharashtra State Transport
Jalgaon, Tq. And Dist.
Jalgaon. ... Respondents.

...
Mr.V.P.Patil, advocate for the petitioner.
Mr.S.P.Sonpawale, A.G.P. for the State.
Mr.M.K.Goyanka, advocate for Respondent No.4.
...

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**

Date : 19.08.2016.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Heard.

2. Rule. Rule returnable forthwith. With the consent of the parties, taken up for final hearing.

3. Pursuant to the advertisement issued by Respondent Nos.2 and 3, the petitioner applied for the post of driver (Junior). The candidature of the petitioner is rejected on the ground that the certificate issued by the Delhi Board is not acceptable. Aggrieved thereby, the present petition.

4. Mr.V.P.Patil, learned counsel for the petitioner states that on erroneous grounds, the candidature of the petitioner has been rejected.

The petitioner possesses 10th standard qualification from the Board of Higher Secondary Education, Delhi and the said certificate is equivalent to the Secondary School Certificate issued by the Board in Maharashtra. The learned counsel relies on the Government Resolution dated 23.8.2011. According to the learned counsel, the Respondents be directed to consider the candidature of the petitioner.

5. Mr.Goyanka, learned counsel for Respondent Nos.2 to 4 submits that in fact, the petitioner had supplied wrong information in the application and on that count the candidature of the petitioner is rejected. The SSC certificate is not issued by the Board. In application, the petitioner had stated the Board as Nasik, which is incorrect. As such the action of the Respondent in rejecting the candidature of the petitioner was legal and proper.

6. We have heard learned A.G.P. also.

7. The petitioner possesses the SSC

certificate of the Board of Higher Secondary, Delhi and the Center Code is 105-G, Nasik. The petitioner had produced the said certificate along with his application. In the column of the name of the University/Board, the petitioner had stated at Nasik i.e. the place from where the petitioner had appeared. However, the examination is conducted by the Higher Secondary, Delhi. It can not be said that the petitioner has submitted false information or has misled the Respondent Nos.2 to 4. The certificate was produced along with the application and the said certificate appears to be equivalent to the certificate of the Board of Maharashtra.

8. In view of the above, there was no impediment for the Respondents to consider the candidature of the petitioner on its own merits and the reason for rejecting the candidature is improper.

9. In light of the above, the Respondent shall consider the candidature of the petitioner on its own merits and shall not reject it on the

ground that the SSC certificate is issued by the Board of Higher Secondary, Delhi.

10. Rule accordingly made absolute in above terms. No costs.

Sd/-
(K.L.WADANE, J.)

Sd/-
(S.V.GANGAPURWALA, J.)

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