

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7970 OF 2015

Dhanraj Suklal Kshirsagar
Age : 37 years, Occu.: Unemployed,
R/o. Kasoda, Tq. Erandol,
Dist. Jalgaon

PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary,
School Education Department,
Mantralaya, Mumbai – 32
2. The Commissioner,
Maharashtra State Examination
Council, Pune – 1

RESPONDENTS

Mr. Vijay B. Patil, Advocate for the Petitioner
Mr. V.S. Badakh, A.G.P. for respondent no. 1
Mr. A.R. Nikam, Advocate for respondent no.2

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

DATE : 1st AUGUST, 2016

PER COURT :

Heard the learned counsel for the petitioner,
the learned A.G.P. and the learned counsel for
respondent no.2.

2. The learned counsel for the petitioner submits that though while applying for the post of Shikshan Sevak, the petitioner has written Marathi Medium, the basic qualification of the petitioner is in Hindi Medium. He, therefore, invites our attention to Clause/Column 16 of the application which was filled in by the petitioner and submits that the petitioner deserves consideration.

3. On the other hand, the learned counsel for respondent No.2, relying on the averments made in the affidavit-in-reply filed by respondent No.2, submits that in the list of the candidates who have applied from O.B.C. (Marathi Medium), the cut-off marks of the last candidate are 144. The petitioner has secured 129 marks. In support of his contention that in similar situation this Court has rejected the writ petition, he placed on record the copy of the order dated 17th December, 2015, passed in Writ Petition No. 3283 of 2015, which is taken on record, and submits that the petition may be dismissed.

4. We have considered the submissions advanced by the learned counsel for the petitioner and the learned A.G.P.

5. It is not in dispute that the petitioner has applied for the post from Marathi medium. Clause/Column No. (12) of the application form specifically states as to from which medium the candidate wishes to apply for the post. The petitioner has written as (1) against the said column, meaning thereby that the petitioner has applied from Marathi medium. Column (16) of the application form is general in nature inasmuch as the information is sought from the candidate about the medium from which the candidate has passed D.Ed./D.T.Ed./T.C.H. Examination. That really does not deal with the medium required for the post to be applied for. The respondents, keeping in view the information disclosed by the petitioner in the application form and in particular the clause/column No. 12 thereof, have considered the merit of the petitioner from O.B.C. category (Marathi medium) and did not recommend the petitioner's name since the cut-off marks for the said

category are 144. We do not see any justifiable reason to interfere. The Writ Petition, therefore, stands dismissed.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

npj/wp7970-2015