

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

WRIT PETITION NO. 8534 OF 2011

Vandana Nitin Deshpande	.. Petitioner
Versus	
The State of Maharashtra and Others	.. Respondents

Shri Y. B. Bolkar h/f Shri A. B. Girase, Advocate for the Petitioner.
Shri S. G. Karlekar, A. G. P. for the Respondent No. 1.
Shri Amol Joshi h/f Smt. Anjali (Bajpai) Dube, Advocate for the
Respondent No. 3

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.
DATE : 06TH JANUARY, 2016.**

PER COURT :-

1. Mr. Bolkar, the learned counsel for the petitioner strenuously contends that, the weightage of marks is not properly calculated. The petitioner was not supplied the documents of the first empaneled candidate by the Regional Office, though, they were sought under Right to Information Act. The learned counsel submits that, the interviewing committee allotted less marks for the land. The firm offer of sale of land to the petitioner was placed on record. The learned counsel submits that, the first empaneled candidate is not the resident of Jalgaon district nor of Maharashtra. On that count itself the candidature of the present respondent ought to have been rejected. Even on account of experience zero marks are awarded to the petitioner which is erroneous. The petitioner has the experience in travel agency and cement factory. According to the learned counsel, affidavit was submitted regarding the volume to the extent of 40 KL., still, zero marks are awarded. The learned counsel submits that, the complaint filed before the Grievance Cell is not properly dealt and the said complaint is dismissed without proper reasons and

without considering the case of the petitioner. The learned counsel submits that, even if the chart of marks are considered, petitioner is better in majority of the respects, still, respondent has been preferred. Deliberately more marks are given in interview to the respondent No. 5.

2. We have considered the submissions, the order of the Committee is considered. The Grievance Cell i.e. the Appellate Authority has dealt each and every aspect of the averments and objections raised by the present petitioner. As far as, the residence of respondent is concerned it has been observed by the Committee that the subject location was advertised under H. P. Raja Category which is not a rural location. Even the petitioner could not substantiate the allegations that the first empaneled candidate has a partnership in one of the retail outlet at Akulkheda. The marks for the land have been properly allotted. The experience certificate was unsigned document without mentioning the business or the ownership or the role played by the petitioner in said organization. As such, zero marks were awarded.

3. This Court would not sit in appeal over the marks given by the Expert Committee which has also been subject matter of scrutiny before the Appellate Authority.

4. Considering the above, no case for interference is made out. Writ petition disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]

sam/Jan.15