

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.9965 OF 2015

**Dnyaneshwar S/o Keru Gavhane Vs. The State of Maharashtra
and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.M.S.Kokate, advocate for the petitioner.
Mr.B.V.Virdhe, A.G.P. for the State.
Mr.A.R.Nikam, advocate for Respondent NO.2.
Mr.Shivaji T.Shelke, advocate for Respondent Nos.3 and 4.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 19.08.2016.

PER COURT :

1. Heard.
2. Mr.Kokate, learned counsel submits that the petitioner had appeared for the CET conducted by the Respondent No.2 for recruitment of Prathamik Shikshan Sevak in the year 2009-10. The petitioner belongs to OBC category. He was shown having secured 140 marks. The petitioner applied for reassessment. In reassessment, four marks are increased and petitioner secured 144 marks, still, the petitioner is not considered by the Respondents for appointment of Shikshan Sevak. The process for appointment of

Shikshan Sevak is continued by the Respondents even in the year 2015. The petitioner ought to have been appointed as Shikshan Sevak. Subsequently, even the petitioner submitted the caste certificate of the OBC category. The petitioner is not considered from either category.

3. Mr.Nikam, learned counsel for Respondent No.2 submits that at the time of appearing for the examination, the petitioner did not possess OBC certificate nor had claimed the same. In re-valuation, four marks of the petitioner were increased and the total marks obtained by the petitioner were 144 and the cut off merit for open category was 146 marks. As such the petitioner could not have been considered.

4. We have heard learned A.G.P. and Mr.Shelke, learned counsel for Respondent Nos.3 and 4.

5. The petitioner had applied from the open category which is clear from the marks sheet after revaluation. The petitioner has secured 144 marks and the cut off merit for open category candidate from Marathi Medium was 146. The petitioner at the relevant time even did not possess the OBC certificate, as such at the time of revaluation was considered from the open category. As marks obtained by the petitioner are less than the cut off marks, the case of the petitioner can not be considered.

6. The Writ Petition as such is dismissed. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.19.08.2016.
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