

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 10520 OF 2016

SUBHASH LINGANNA BARDEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Vaibhav B. Dhage
AGP for Respondents: Mr. K.N. Lokhande.

. . .

CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.

DATE : 14TH OCTOBER, 2016.

PER COURT:

1] Petitioner is making grievance in respect of appointment of one Mr. Anil Shankarrao Devapure. Said Mr. Devapure has filled in the application from amongst the OBC category, whereas, the petitioner is a candidate who has competed from the open category. According to the petitioner, the open seat has been allotted in favour of Mr. Devapure, who has applied from OBC category.

2] The selected candidate is more meritorious than the petitioner. A candidate who has tendered the application from reserved category is also entitled to claim an open seat on the basis of individual merit and categorization of the open seat does not undergo any change. A candidate belonging to reserve category can also compete from the open category, as held by the Apex Court in the matter of *Indira Sawhney Vs. Union of India and others reported in 1992 Supplement (3) SCC 217*. In this view of the matter, the petition being devoid of any substance, stands dismissed.

[K.K.SONAWANE]
JUDGE

[R.M. BORDE]
JUDGE

grt/-