

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

907 WRIT PETITION NO. 12534 OF 2015

SWATI NARAYAN WAKUDKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Nagarkar Kiran M.

Mr. AV Deshmukh, AGP for Respondents: 1 & 2;

Mr. Kotkar Sanjay D. For R/3;

Mr. Yadav Santosh R. For R/4 and 5

**CORAM : S.S.SHINDE &
P.R.BORA, JJ.**

DATE : 17th February, 2016.

PER COURT :

1) Heard. The Counsel appearing for the petitioner has tendered across the Bar an Affidavit in rejoinder. The same is taken on record.

2) Perused the pleadings in the petition, grounds taken therein, annexures thereto and in particular advertisement dated 2.11.2015. Upon reading the said advertisement, it appears that the candidates, who were desirous to apply for the post, which were advertised, should possess the requisite

qualification, as mentioned in the advertisement, at the time of making on-line application. Admittedly, on the date of making on-line application, the petitioner did not possess the requisite qualification, i.e. passing of MS-CIT Examination. The learned Counsel appearing for the petitioner invited our attention to page 46 of the writ petition and submits that, as a matter of fact, such passing MS-CIT examination certificate was issued in favour of the petitioner on 29th September, 2015 and, therefore, on the date of filing on-line application by the petitioner, the petitioner was very much possessing the requisite qualification. We cannot accept the said submission made by learned Counsel for the petitioner. The certificate at page 46 of the petition annexed by the petitioner is titled as "appearing Certificate", wherein at bottom side Important note is given, which reads thus, -

"Certificate is not valid unless signed by the Local Controller of Examination, Head of the Institute with seal of the institute."

3) It appears that the said certificate cannot

be treated as valid unless signed by the Local Controller of Examination, Head of the Institute, with seal of the institute. In that view of the matter, on the date of filing on-line application by the petitioner, the petitioner did not possess the said qualification. Even on the date of verification of the documents on 11th December, 2015, the petitioner did not possess the said passing certificate. In that view of the matter, we are unable to persuade ourselves to issue any mandatory directions to the respondents to cancel the selection of Respondent No.3 and appoint the petitioner on the post of Gram Sevak on contract basis.

4) The learned Counsel for the petitioner submits that, there are three vacant posts of Gram Sevaks on contract basis and, therefore, it may be possible for the respondents to accommodate the petitioner on any one of the vacant posts. In that respect, we cannot issue any directions to the respondents, since there may be other candidates, who may not be possessing the requisite qualifications on the date of filing of on-line applications, however, subsequently, they have acquired the said

qualification. Therefore, for the reasons, as aforesaid, we do not find any merit in the petition and the same stands rejected.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

bdv/