

nsc.

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.5174 OF 2015

Sagar Shivaji Patil

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Ms.Leena Patil, for the Petitioner.

Mr.Vikas Mali, AGP for the Respondent No.1 – State.

Mr.Ramesh D. Rane, for the Respondent Nos.2 and 3.

Mr.Prashant Bhavke, for the Respondent No.4.

***CORAM : V. M. KANADE &
REVATI MOHITE DERE, JJ.***

DATE : 14th JANUARY, 2016

P.C. :

1. The grievance of the petitioner is that he is a person having hearing impairment and is having 45% hearing disability. In the examination which was conducted by the respondents, the petitioner was shown at serial no.1 in the waiting list and respondent no.4 was selected in

handicapped category.

2. Mr.Bhavke, learned counsel appearing on behalf of the respondent no.4 submitted that a detailed affidavit in reply has been filed. He has taken us through the averments made in the affidavit in reply.

3. In our view, there is substance in the submission made by the learned counsel appearing on behalf of the respondent no.4 that the petitioner has wrongly interpreted the advertisement dated 12th August, 2014. Clause – 6 of the Government Resolution dated 27th June, 2008 clearly mentions as to how the priority is to be calculated. The said Rules mention that if two persons receive the same marks then the manner in which the priority is to be given is specified in the said Rules. In the present case, admittedly respondent no.4 scored 110 marks whereas the petitioner has scored 104 marks. We are of the view therefore that respondent no.4 was rightly selected by the Executive Engineer since he was also having locomotor disability.

4. We are informed that the petitioner who was shown at serial no.1 in the waiting list has already been appointed on 14th May, 2015. No case therefore is made out for setting aside the order of appointment of respondent no.4.

5. Writ Petition is accordingly disposed of.

REVATI MOHITE DERE, J.

V.M. KANADE, J.