

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 170 OF 2016**

Ms Vidya T. Nimbalkar

.. Petitioner.

vs.

District Collector Sangli,
(Chairman Dist. Selection Committee)
District Collector Office and ors.

.. Respondents.

Mr. Nikhilesh Pote for the petitioner.

Mr. C.P. Yadav, AGP for State – respondent nos.1 and 3.

Ms P.M. Bhansali i/b Ms Deepa Kamath for respondent no.2.

Mr. Pratap Patil for respondent no.4.

**CORAM: D.H. WAGHELA, C.J. AND
M.S.SONAK, J.**

DATE : 2 MAY 2016.

P.C.:

1] The petitioner challenges the order dated 11 March 2015 made by the Maharashtra Administrative Tribunal (MAT), Mumbai in Original Application No. 1214 of 2013, setting aside the petitioner's appointment as Library Attendant, *inter alia*, on the ground that she did not possess the qualification for said post as per the advertisement issued for the said purpose.

2] Original Application No. 1214 of 2013 had been instituted by Avinash T. Ghodke (respondent no.4 herein) questioning the selection of the petitioner and his consequent non-selection to the post of Library Attendant.

3] Mr. Nikhilesh Pote, learned counsel for the petitioner, has submitted that there is no course of two years' duration for obtaining certificate in Library Science in any of the Government recognized institutions. Therefore, reference to course of two years' duration in the advertisement was an typographical error. The petitioner, admittedly possessed a certificate in library course from a recognized institution and further, was found to be more meritorious than respondent no.4. Mr. Pote submitted that even respondent no.4 has obtained B. Lib and M. Lib qualifications, for which purpose, respondent no.4 may have undergone course of over two years. However, Mr. Pote submitted that this does not mean that the Library Science Certificate obtained by respondent no.4 was after completion of course of two years' duration. For these reasons, Mr. Pote submitted that the impugned order warrants interference under Article 227 of the Constitution of India.

4] In this case, there is no dispute whatsoever that the advertisement prescribed "*certificate in Library Science of minimum two years' duration*" as one of the essential qualifications for appointment to the post of Library Attendant. Further, there is no dispute whatsoever that the petitioner does not possess certificate in Library Science of minimum two years' duration. At this belated stage, the petitioner cannot be permitted to contend that the qualifications prescribed in the advertisement was itself incorrect, as there is no Government recognized institutions which offer a certificate in Library Science of minimum two years'

duration. Such contention, if at all, should have been raised by the petitioner, no sooner advertisement was issued. Even otherwise, the MAT had held that the petitioner and other respondents in original application have not placed any material on record to show that no course having duration of two years is available in the subject of Library Science in any Government recognized institution.

5] This is a case where the advertisement had very clearly specified the eligibility qualification. After the selection process has commenced, it was not open for the authorities to give a go bye to the qualifications stated in the advertisement, upon the spacious plea that the same was a typographical error. Assuming, there was some typographical error, then, the authorities should have atleast issue some corrigendum before the selection process commenced or opted for a fresh selection process on the basis of corrected advertisement. The MAT, has rightly disbelieved the defence based upon mere typographical error. The MAT has rightly observed that the authorities were bound by the qualifications stated in the advertisement and any mid selection process change was impermissible. In ***State of Bihar and others V/s. Mithilesh Kumar – (2010) 13 SCC 467***, the Hon'ble Supreme Court has held that no changes in norms of recruitment can be made during pendency of the selection process, so as to apply to the very selection process.

6] Further, there is material on record that respondent no.4 herein had requisite qualifications and in any case, the qualification of respondent no.4 was never challenged or such challenge upheld by the MAT.

7] Taking into consideration of limited scope of interference in the petition under Article 227 of the Constitution of India, we are satisfied that this is not a fit case which warrants interference with the impugned order. Hence, this petition is dismissed. Interim order stands vacated. There shall be no order as to costs.

(CHIEF JUSTICE)

(M.S.SONAK, J.)