

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4227 OF 2015

Kishor Ananda Kerlikar. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Mr. A.A.Kumbhakoni, Senior Advocate with Mr.A.R.Pitale for the petitioner.
Mr. C.P.Yadav, AGP for the respondents.

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

DATE : 28th March 2016.

PC. :

Although the petition is styled as one under Articles 226 and 227 of the Constitution of India, it really challenges the judgment and order dated 24th February 2015 of the Maharashtra Administrative Tribunal in O.A. No.829/2011 by which the application of the petitioner is dismissed. The petitioner had challenged rejection of his candidature for the post of Deputy Director, Industrial Safety and Health by the communication dated 3rd August 2011. By virtue of the provisions of rule 6 of the Director, Additional Director, Joint Director, Deputy Director (Group 'A') and Assistant Director (Group 'B') in the Directorate of Industrial Safety and Health (Recruitment) Rules, 2009, specific kind and period of

experience was required and, admittedly, the petitioner did not possess such experience due to which he was found to be not eligible for the post. In place of the requirement of practical experience in any factory in repair and maintenance of machineries, production and experience of supervisory and managerial cadre in Safety and Health Department, after acquiring the qualification, the petitioner had submitted the experience certificate from the Maharashtra Pollution Control Board, Mumbai, showing that he was working as Field Officer which was a technical post. Even as the petitioner was admittedly ineligible for consideration for the post advertised by respondent No.3, he insisted that two posts having been reserved for the scheduled caste category and he being the only candidate available in that category, he should have been given an opportunity of explaining that he fulfilled the requirement of experience. The Tribunal has rightly found no substance in the application of the petitioner and we are not persuaded to take any other view. It is indeed unfortunate that the application of the petitioner has taken nearly five years for disposal by the Tribunal and thereafter the present petition is remaining pending for a year, even as notice was issued to the respondents.

2. Under the circumstances, the petition is summarily dismissed as devoid of any merits, with no order as to costs.

(M.S.SONAK, J.)

CHIEF JUSTICE