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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9661 OF 2013

Ragu Y. Pawar ... Petitioner
Vs.
The State of Maharashtra and ors. ... Respondents

Mr. G.N. Salunkhe i/b Mr. A.M. Misal for the Petitioner.
Mr. P.P. Kakade, AGP for Respondent Nos.1 to 4.

CORAM : V. M. KANADE, AND
M. S. SONAK, JJ.

DATE : JUNE 08, 2016

P. C.

1] The challenge in this petition is to the order dated 18 June 2013 made by the Maharashtra Administrative Tribunal (MAT) dismissing the Petitioner's Original Application No. 1095 of 2012.

2] Mr. G.N. Salunkhe, learned counsel for the Petitioner, by relying upon O.M. dated 31 August 2002 and communication dated 28 August 2012 contended that the Petitioner had liberty of producing certificate regarding computer qualification as prescribed by the Director of Information Technology, within a period of one year from the date of appointment. He submitted that mere circumstance that this was not stated in the advertisement, does not mean that the

Respondents could insist upon candidates having such certificate regarding computer qualification, at the stage of applying for appointment to the post of Canal Inspectors or at the stage of selection. Mr. Salunkhe submitted that inasmuch as this aspect has not been considered by the MAT, the impugned order warrants interference.

3] We have heard learned counsel for the parties, perused the record and examined the impugned order made by the MAT. We are satisfied that this is not a fit case to interfere with the impugned order in the exercise of our jurisdiction under Articles 226 and 227 of the Constitution of India.

4] The MAT has relied upon the amended recruitment rules reflected in G.R. dated 28 November 2011. In the amended recruitment rules, there is no provision for granting any time for acquiring certificate regarding computer qualification as prescribed by the Director of Information Technology, Maharashtra. The advertisement, which was consistent with the recruitment rules also does not make any such provision. In these circumstances, the MAT was quite right in not relying upon O.M. Dated 31 August 2002 or the letter dated 28 August 2012 and extending any such indulgences to the Petitioner. The settled position in law is that mere executive instructions cannot supplant or vary the recruitment rules. Besides, in

the absence of any clear indication in the advertisement, there was no question of extending benefit of any alleged relaxation in favour of the Petitioner alone.

5] Accordingly, we see no reason to interfere with the impugned order made by the MAT. This petition is dismissed. Interim order, if any, stand vacated. There shall be no order as to costs.

[M. S. SONAK, J.]

[V. M. KANADE, J.]