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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 60 OF 2015

Mr. Ganesh Vijaykumar Patharker

.. Petitioner

Versus

The State of Maharashtra and anr.

.. Respondents

Mr. Faujan i/by Mr. M. V. Thorat for petitioner.

Mr. C. P. Yadav, AGP for respondent nos.1 and 2.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

SEPTEMBER 27, 2016.

P.C.

1. The petitioner applied against an advertisement for the post of Laboratory Assistant. Initially his application was processed. He appeared in the written examination. His name figured in the first list, but later on he was informed that he was ineligible. The said order of 5/5/2013 was subject matter of challenge in Original Application No. 489 of 2013.

2. Learned counsel for the petitioner submits that it was

intimated by the petitioner to the authority that he possessed degree in MLT from Open University and BSC-MLT from Yashvantrao Chavan, Maharashtra Open University. It was further submitted that the performance of the petitioner was good and being meritorious student he ought to have been selected and appointed. The Tribunal by impugned order dated 25/9/2014 dismissed the Original Application.

3. Learned AGP placed reliance on the affidavit filed by Mr. Janak Rameshchandra Joshi, Administrative Officer, Directorate of Medical Education and Research, St. George's Hospital, Mumbai 400 001. Para 6 of the said affidavit reads as under :-

“6. I say that it is the contention of the Petitioner that though Petitioner was not having Diploma in MLT from government recognized institute, when he submitted his application for the post of Laboratory Assistant, he was having educational qualification as B.Sc. (M.L.T.) from Yeshwantrao Chavan Mukta Vidyapeeth, Nashik and the Petitioner requested to treat B.Sc. (M.L.T.) as equivalent to DMLT from government recognized institute.

In this regard, I say that when the Petitioner applied for the post of Laboratory Assistant, his educational qualification

was DMLT (from private institute and not from government recognized institute) and from the Statement of Marks which is annexed at Page 23 to the Petition, it is clear that Petitioner had acquired B.Sc. (M.L.T.) degree on 13/7/2012 i.e. subsequent to the last date of submitting application for the post of Laboratory Assistant. Also in the application form submitted by the Petitioner, he had mentioned his educational qualification as B.Sc. (M.L.T.) Third Year Appear.”

4. Learned AGP submits that the petitioner lacks basic qualification to apply and, therefore, he was not entitled to participate in the selection process.

5. We have perused the record placed before us and the order passed by the Tribunal. According to the instructions issued by the Directorate of Medical Education and Research, following qualifications are required for the post of Laboratory Assistant :-

- (i) have passed the Secondary School Certificate Examination with science subject; and
- (ii) possess a Diploma in Medical Laboratory Technology from an Institute recognized by the Government.

6. Degree / Diploma certificates possessed by the petitioner were not satisfying the criteria mentioned in the advertisement. Learned AGP submits that BSC-MLT Degree was obtained subsequent to the filing of application.

7. We do not find any error in the view taken by the Tribunal. Petition is dismissed.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)