

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 2278 OF 2016**

Manesh Madhukar Waghmare .. Petitioner
versus
State of Maharashtra & Ors. .. Respondents

Mr. Amit Munde for Petitioner.
None for Respondents.

**CORAM: D. H. WAGHELA, C. J. AND
M. S. SONAK, J.
DATE : 7 MARCH 2016**

P.C.:

1] Heard the learned counsel for the parties and perused the record.

2] The challenge in this petition is to the order dated 6 February 2015, by which, the Maharashtra Administrative Tribunal (MAT) has dismissed the petitioner's Original Application No. 797 of 2011 questioning the petitioner's non selection to the post of Police Constable in Mumbai Recruitment – 2009 from S. C. Home Guard category.

3] Mr. Amit Munde, the learned counsel for the petitioner has contended that the petitioner ought to have been awarded full

marks at the oral interview, since, the petitioner was asked only three questions, which, the petitioner, has correctly answered. Mr. Munde submitted that in case the petitioner were to be awarded full marks i.e. 25 marks in the oral interview, the petitioner's total would increase to 135 marks as compared to the last candidate from the S. C. Home Guard category, who had secured only 133 marks. Mr. Munde also attempted to contend that there were several posts in the S. C. Home Guard category and since, the same were not filled in, the petitioner ought to have been recruited against the same.

4] There is no merit in either of the contentions raised by the learned counsel for the petitioner. The MAT, in absence of any challenge on the grounds of malafides against the selection committee members, rightly declined to sit in judgment on the marks allotted to the petitioner at the oral interview. The scope of judicial review in such matters is extremely limited and merely because the petitioner contends that he was posed only three questions, which he has correctly answered, the petitioner cannot insist upon full marks at the oral interview. There is no material on record to bring home the charge of any unfairness in the marking at the oral interview. On basis of some comparison with the marks obtained by candidates from categories, with which the petitioner was in no manner concerned, the petitioner cannot seek to make out some case that he was awarded less marks at the oral interview.

5] The second contention, with regard to unfilled posts in the category of S.C. Home Guard, does not even appear to have been raised before the MAT. In any case, there is no material in support of such contention. Even assuming that there were some unfilled vacancies, that by itself, does not entitle the petitioner to secure appointment to the post of Police Constable. The petitioner cannot claim any right for appointment. At the highest the petitioner has a right to be considered for appointment and this right has not been denied to the petitioner.

6] There is no jurisdictional error in the making of the impugned order. This petition is therefore dismissed. There shall be no order as to costs.

CHIEF JUSTICE

(M.S.SONAK, J.)