

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7946 OF 2015**

Mr. Ashok Arjunrao Khilare .. Petitioner
versus
Chief Conservator of Forest & Ors. .. Respondents

Mr. Uday Warunjikar for Petitioner.
Mr. C. P. Yadav - AGP for Respondents – State.

**CORAM: D. H. WAGHELA, C. J. AND
M. S. SONAK, J.
DATE : 8 MARCH 2016**

P.C.:

1] The Petitioner challenges order dated 1 October 2014 made by the Maharashtra Administrative Tribunal (MAT) dismissing his Original Application No. 1251 of 2013 seeking directions to specially interview the petitioner for appointment to the post of peon (Group D) under the reserved or general category.

2] Mr. Warunjikar, the learned counsel for the Petitioner has submitted that the Petitioner in pursuance of advertisement, submitted an online application form for being considered for appointment to the post of peon, within the prescribed period. Although, the form required the Petitioner to state his mobile number and email id, since there was no column for supplying email id, the Petitioner could not supply the same. The Petitioner answered the written examination, but was not personally communicated the results. The Petitioner being a poor person does not have computer of his own and therefore, was following up the matter at cyber cafes in order to seek information about declaration of results. On account of certain health issues

concerning the Petitioner's family members, the Petitioner had to visit Aurangabad to avail medical treatment. On 5 November 2013, when the Petitioner accessed the appointed website, the Petitioner was shocked to know that results of the written examination had been declared on 22 October 2013, in which, the Petitioner had been declared as passed, but further, even the interviews were held on 29 October 2013. The Petitioner, thereafter represented in the matter for conduct of a special interview for him, but such representations have been turned down. Mr. Warunjikar has submitted that even the MAT, in the impugned order, has accepted the position that candidates cannot be required to check information on the official website every day and therefore the Respondents ought to have evolved the procedure whereby the results were individually informed to the candidates either by sms or email. Mr. Warunjikar submits that despite this, the MAT has erred in denying any relief to the Petitioner.

3] We have considered the submissions made on behalf of the Petitioner, perused the impugned order as well as the record. In our judgment, even though the circumstances stated by the Petitioner, if true, may be unfortunate, this is not a case where the Petitioner can be said to have been unfairly treated or unjustly denied opportunity for being considered for public employment to the post of peon.

4] Along with the advertisement inviting applications, clear instructions were issued to the effect that the results of the written examinations will be declared on the website of the Forest Department and on the website of MKCL (the agency conducting the written test). It is not even the case of the Petitioner that he was unaware of such instructions. In fact, the Petitioner has pleaded that he was checking at these websites for information with regard to results of the written

examination and '*unfortunately the Applicant skipped the results dated 22.10.2013 as well as the interview which was scheduled on 29.10.2013*' (averments in paragraph 6.8 of the Petitioner's Original Application). There are similar averments in other paragraphs of the Original Application, where, the Petitioner has made reference to health issues concerning some of his family members.

5] From the aforesaid, it is quite clear that there was no unfairness in the procedure adopted by the Respondents and further, the same procedure was adopted in respect of all the candidates. The Petitioner, has averred that he has no computer or net connection. However, it is not the case of the Petitioner that he does not have an email id. All that the Petitioner has pleaded is that he could not give his email id along with his mobile telephone number, since, according to him, there was no separate column provided in the online application form. This means that the Petitioner cannot claim any digital illiteracy as such. The material on record establishes that the Respondents have acted consistent with the terms of the advertisement and therefore, are not responsible for the Petitioner failing to know the results or the date of the interview duly published by the Respondents on their website.

6] For the aforesaid reasons, there is no case made out to interfere with the impugned order. The writ petition is therefore dismissed. There shall be no order as to costs.

CHIEF JUSTICE

(M.S.SONAK, J.)