

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**WRIT PETITION NO. 1348 OF 2016.**

(Abhijit Yadaorao Thakre & others .vs. The Chief General Manager (Human Resources), Mah. State Power Generation Co. Ltd., Mumbai & others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. S.S. Dhengale, Advocate for petitioners,
Mr. A.D. Mohgaonkar, Advocate for respondents.

CORAM : B.R. GAVAI & V.M. DESHPANDE, JJ.

DATED : SEPTEMBER 7, 2016.

The petitioners have approached this Court being aggrieved by the rejection of candidature and denial of participation in the selection process.

Shri S.S. Dhengale, learned Counsel for the petitioners, submits that in view of Clause 9 of the important conditions about selection process, the candidates were required to submit the related testimonials before the conduct of interview as per the date to be announced on company's website. He submits that as per the company's website notification issued on 14.8.2015, the said documents were to be submitted prior to 28.8.2015.

The learned Counsel submits that the petitioners have submitted their photostat copies of validity certificate prior to 28.8.2015 and as such, as per the advertisement the petitioners have made the necessary compliance.

The last date for making application was 25.9.2014. It

is a settled principle of law that the eligibility of a candidate has to be construed as on the last date of making application. Not only that, but the Clause 4 of the Note in the advertisement specifically provided that the candidate not submitting the caste certificate issued by the Competent Authority and non-creamy layer certificate along with the application in case of reserved category candidate will have to pay the fees as mentioned in column no. 3 above. The fees for the General category candidates were Rs.600/- and for backward class candidates were Rs.300/-. The petitioners have paid fees of Rs.300/-. It is further to be noted that the validity certificate which is submitted by the petitioner no.1 is issued to him on 1.9.2013, whereas the validity certificates submitted by the petitioner nos. 2 & 3 were valid only upto 31.3.2013. It could thus be seen that none of the petitioners was having a valid non-creamy layer certificate which was valid on 25.9.2014.

In that view of the matter, we do not find that an error is committed by the respondents in denying participation of petitioners in selection process. The petition is, therefore, rejected.

Judge

Judge

J.

CERTIFICATE

"I certify that this Order uploaded is a true and correct copy of original signed Order".

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