

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4014/2015

Bhushan Vikram Gedam and others

...Versus...

Chairman cum Collector, District Selection Committee, Distt : Gadchiroli and others

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

Court's or Judge's orders

Shri G.N. Khanzode, Advocate for petitioners
Shri A.V. Palshikar, AGP for respondent no.1
Shri J.S. Mokadam, Advocate for respondent nos.2 and 3

**CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.**

DATE : 10.02.2016

Heard.

The petitioners challenge the select list dated 30.12.2014 in relation to appointment on the post of Health Workers (Male) on the ground that said select list is contrary to Rule 5 of the Maharashtra Zilla Parishad District Services (Recruitment) Rules, 1967.

Pursuant to an advertisement dated 22.8.2014 for filling in about 14 posts of Health Workers (Male) the process of recruitment was initiated. In the advertisement it had been mentioned that the candidates should have qualification of having passed the Secondary School Certificate examination and an experience of 90 days as seasonal spray worker. These posts were

to be filled from seasonal spray workers. The petitioners applied pursuant to said advertisement and on not finding their names in the final select list dated 30.12.2014 have challenged the said select list.

Shri G.N. Khanzode, the learned Counsel for the petitioners submitted that the petitioners being more meritorious than those candidates whose names were shown in the select list were entitled to be selected. It was submitted that the petitioners possess the requisite qualification and therefore, on the basis of merit, they were entitled to be included in the select list.

Shri J.S. Mokadam, the learned Counsel for the respondent nos.2 and 3 submitted that the select list had been prepared after verifying as to whether the candidates satisfy the requirements of the advertisement dated 22.8.2014. As none of the petitioners were having the requisite qualification of having worked as seasonal spray workers, they were not selected. He submitted that an identical issue was decided by this Court in Writ Petition No.269/2015 against the petitioners.

Shri A.V. Palshikar, the learned Assistant Government Pleader for the respondent no.1 supported the impugned action.

Perusal of the advertisement dated 22.8.2014 clearly indicates that the working experience of 90 days as a seasonal spray worker was necessary. The respondent nos.2 and 3 have come up with the case that none of the petitioners possess said requisite qualification. As they did not possess any experience certificate in that regard, they were not selected. Hence, merely on the basis of their merit the petitioners could not claim to be entitled to be included in the select list. An identical issue was

decided in Writ Petition No.269/2015 wherein the challenge to the non-inclusion in the select list was turned down on similar lines.

In view of aforesaid, as the petitioners lacked the necessary experience of having worked for 90 days as seasonal spray workers, their non-inclusion in the select list cannot be faulted.

Hence, there is no merit in the writ petition. The same is dismissed with no order as to costs.

JUDGE

JUDGE

Wadkar