

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3896 OF 2015

Santosh Rangnath Suradkar Vs. Registrar Dr.Panjabrao Deshmukh Krushi Vidyapeeth Akola & Ano.

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

Court's or Judge's Order

Shri A. D. Girdekar Adv for petitioner.
Shri A. Sambre Adv for respondent no. 1.
Shri A. S. Agrawal Adv for respondent no. 2.

**CORAM: SMT. VASANTI A. NAIK &
A. S. CHANDURKAR JJ.**

DATED: 27 JANUARY, 2016.

The petitioner herein challenges the selection list dated 01.05.2015 issued by the respondent no.1 whereby the respondent no.2 has been shown to be selected on the post of Junior Research Assistant.

It is the case of the petitioner that pursuant to advertisement dated 17.07.2014 issued by the respondent no.1 he had applied for the aforesaid post from the open category in the sports quota. Out of two posts for the sports quota, one post was kept for the open category while another post was reserved for candidates belonging to the other backward category. On

11.02.2015 the list of eligible candidates was prepared and published in which the petitioner was shown at Sr. No. 1116 while the respondent no.2 was shown at Sr. No. 1055. The petitioner was thereafter interviewed and without declaring results of the successful candidates the select list was published in which the name of respondent no.2 was shown as having been selected.

Shri A. D. Girdekar, the learned counsel for the petitioner submitted that in terms of Government Resolution dated 13.08.2014 it was necessary to have first selected candidates from the open category on the basis of their merit. The respondent no.2 belonged to the other backward category and therefore he could not have been selected on a post which was earmarked for open category candidates.

Shri Abhay Sambre, learned counsel for respondent no.1 submitted that the respondent no.2 was more meritorious than the petitioner, in as much as he had secured 64 marks out of 80 in the academic assessment and 10 marks out of 20 in the interview. The petitioner has secured 34.5 marks in the academic assessment and 8.83 marks in the interview. According to him the Government Resolution dated 13.08.2014 had been rightly applied while selecting the respondent no. 2. Shri A. S. Agrawal, the learned

counsel for the respondent no.2 supported the selection made by respondent no.1.

It is not in dispute that respondent no.2 is more meritorious than the petitioner. If on the strength of merit it is found that the respondent no.2 who belongs to the other backward category is entitled to be selected on a post earmarked for the open category, it cannot be said that the same has resulted in any illegality. Even the Government Resolution dated 13.08.2014 contemplates initial selection in the open category on the basis of merit. In that view of the matter, it cannot be said that the respondent committed any error in selecting the respondent no. 2. There is therefore no merit in the writ petition. Same is therefore dismissed with no order as to costs.

JUDGE

JUDGE

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