

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

WRIT PETITION NO. 4151 OF 2016

Rajesh s/o Tryambakrao Mundawane

-vs-

The State of Mah., thr. its Principal Secretary, Deptt. of Municipal Council Administration & 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.Y.Deopujari, counsel for the petitioner.
Mr.N.R.Rode, AGP for the respondent Nos.1 and 2.

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 21.07.2016.

By this writ petition, the petitioner seeks a declaration that the action on the part of the respondent No.2- District Selection Committee, through the Collector, Amravati in publishing the modified list of selected candidates by inserting the name of the respondent No.3 is illegal and is liable to be set aside. The petitioner seeks a declaration that the petitioner is eligible for appointment to the post of Assistant Office Superintendent, in pursuance of the advertisement.

An advertisement was floated by the respondents on 22/02/2016 inviting online applications for appointment to various posts, including the posts of Assistant Office Superintendent. There were two posts earmarked for the Nomadic Tribe-C category of which one post was earmarked for Nomadic Tribe-C (General) and the other post was earmarked for Nomadic Tribe-C (Woman). The petitioner being a male had applied for the post earmarked for Nomadic Tribe-C (General) category. The merit list was published and the name of the petitioner was at Sr.No.4. At the relevant time, in the merit list,

the name of only one woman candidate namely Ms Swati Kale was included. Admittedly, the petitioner did not secure the highest marks from amongst the male candidates and, therefore, Mr.Pawan Jatkar, who had secured 106 marks as against 98 marks secured by the petitioner, was appointed to the post earmarked for Nomadic Tribe-C (General). In the modified select list, the name of respondent No.3-Ms Sharda Kawle was included, as Ms Swati Kale was found to be ineligible. The petitioner has taken an exception to the inclusion of the name of Ms Sharda Kawle in the select list, as she was unable to remain present for document verification on the specified date and her documents were verified later. It is stated that as per the advertisement, documents were liable to be produced only on the date specified for verification of the same or else, the candidature of the candidate was liable to be rejected. The petitioner has, therefore, challenged the selection and appointment of respondent No.3-Ms Sharda Kawle on the post earmarked for Nomadic Tribe-C (Woman).

On hearing the learned counsel for the parties and on a perusal of the documents annexed to the writ petition, we find that there is no merit, whatsoever, in the claim of the petitioner. Admittedly, the petitioner had not secured the highest marks from amongst the male candidates and, therefore, he was not entitled to be appointed on the post earmarked for Nomadic Tribe-C (General). On the other post that was earmarked for Nomadic Tribe-C (Woman) also, the petitioner could not have been appointed. It is stated in the note in the select list that was finally published by the District Selection Committee, that though respondent No.3-Ms Sharda Kawle had appeared at the examination and had passed with 90 marks, she was not able to appear before the Committee on the date on which the

documents were to be verified, as she was ill. The note appended to the select list clearly records that in view of the illness of Ms Sharda Kawle, she was permitted to produce the documents on a subsequent date and since she had secured the highest marks from amongst the women candidates belonging to Nomadic Tribe-C category, she was selected for appointment on the post of Assistant Office Superintendent. We do not find anything wrong with the action on the part of the Selection Committee in selecting and appointing a woman candidate from Nomadic Tribe-C category, who had secured the highest marks. Merely because she was ill on the date of verification of the documents and she had tendered the documents on a subsequent date, would not disentitle her to the appointment. Also, the petitioner, who is admittedly a male candidate, cannot seek his appointment on a post earmarked for Nomadic Tribe-C (Woman) candidate, as of a right.

Since there is no reason for cancellation of the selection and appointment of the respondent No.3, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

C E R T I F I C A T E

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

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

Uploaded on : 25/07/2016