

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6155/2015

(SACHIN VINAYAK RAUT **VERSUS** STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri A. Dhore h/f Shri K.S. Malokar, counsel for the petitioner.
Shri N.S. Rao, A.G.P. for the R-1 & 3.

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

DATE : JANUARY 21, 2016.

By this petition, the petitioner impugns the communication of the Chief Executive Officer, Zilla Parishad, Yavatmal, dated 27.01.2014 informing the petitioner that the objection of the petitioner to the Model Answer-Sheet is rejected as the same was not made within a period of three days.

The respondent nos.2 and 3 had published an advertisement in the year 2013 inviting applications for appointment on the post of Agriculture Officers-Extension Officers (Agriculture). The petitioner had applied for the solitary post of Agriculture Officer, that was advertised. According to the petitioner, the petitioner secured 142.5 marks in the written test, whereas the respondent no.4, who is appointed on the post of Agriculture Officer, had secured only 140 marks. According to the petitioner, the respondent nos.2 and 3, however, wrongfully allotted 9.88 marks to the respondent no.4 at the interview, while awarding only 7 marks to the petitioner. The petitioner was, therefore, not selected having secured 0.38 marks less than the respondent no.4. After the select list was declared, the petitioner made a representation to the respondent nos.2 and 3, on 08.10.2013 making a grievance in regard to the wrong answers in the Model Answer-Sheet that was published on the website. The objection of

the petitioner was, however, rejected by the impugned communication dated 27.01.2014.

On hearing the learned counsel for the parties and on a perusal of the writ petition, it appears that the relief sought by the petitioner cannot be granted. The objections were required to be raised as per Clause 24 of the advertisement, in accordance with Government Resolution, dated 19.04.2007. Neither was the objection to the wrong answers in the Model Answer-Sheet was raised by the petitioner within a period of three days nor did the petitioner raise any objection to the wrong answers in the Model Answer-Sheet, till the interviews were over and the respondent no.4 was placed in the select list and it was shown that he had secured 0.38 marks more than the petitioner. The objection raised by the petitioner appears to be an afterthought. Though the petitioner had secured some more marks than the respondent no.4 in the written test, as the respondent no.4 had secured higher marks in the interview, in the overall marks, the petitioner was lagging behind and the name of the respondent no.4 was included in the select list. If the petitioner had really any grievance about the wrong answers in the model Answer-Sheet published on the website, the petitioner should have raised an objection to the wrong answers within a couple of days from the written test. The written test appears to have been conducted on 05.05.2013 and the petitioner had raised the objection in regard to the wrong answers in the model Answer-Sheet on 08.10.2013, after the select list was published. It is not the case of the petitioner that the petitioner had raised the objection, as per the requirement of the Government Resolution, dated 19.04.2007. In the writ petition, it is also not averred as to when the list of the candidates that were successful in the written test was published. Only because the respondent no.4 was selected, the petitioner appears to have raised the objection in regard to the wrong answers in the model Answer-Sheet and the wrongful awarding of marks to

the respondent no.4, in the interview. We do not find any merit in the writ petition so as to interfere with the impugned order.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

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