

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

Writ Petition No.5652/2016

(Ravikumar Gorakh Chavan .vs. The State of Maharashtra and another)

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

Mr. S.D. Kotkar, Advocate for Petitioner.
Mr. M.K. Pathan, AGP for Respondents.

CORAM : B.R. Gavai & V.M. Deshpande, JJ.
DATED : October 07, 2016.

1. The petitioner has approached this Court being aggrieved by the non-selection of the petitioner for the post of Maharashtra Municipal Council Fire Services (Grade "C-2").

2. Various posts were advertised by the District Selection Committee, Yavatmal under the Maharashtra Municipal Council Services cadre. The petitioner has applied for the post of Maharashtra Municipal Council Fire Services Grade "C-2". Since the petitioner has not been selected, the petitioner has approached this Court.

3. It is the contention of the petitioner that only the qualifications at Sr. Nos. 1,3 and 4 are essential qualifications and qualification at Sr. No.2 is not an essential qualification. As such the rejection of the petitioner's candidature is on erroneous premises.

4. It will be relevant to refer to Clause No.6 of the advertisement. The true translation version thereof

reads thus:-

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| <p>6. Maharashtra Municipal Council
Fire Services. (Grade "C-2")
Pay Scale 5,200 – 20,200/-
Grade Pay 2800/-</p> | <p>1. Degree of any faculty from
Recognised University is must</p> <p>2. Sub Officers Course from
National Fire Service College,
Nagpur.</p> <p>3. Must have passed MS-CIT
examination.</p> <p>4. Sufficient knowledge of
Marathi language is must.</p> |
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5. It could thus be seen that for being eligible to be considered for the post in the Fire Services, a candidate is required to have a Degree in any faculty, MS-CIT examination and knowledge of Marathi. No doubt that the word "must" is not written insofar as passing of Sub Officers Course conducted by the National Fire Service College, Nagpur. The petitioner is harping mainly on the ground that insofar as clause Nos. 1,3 and 4 are concerned, the word "must" is written whereas clause Nos. 2 is concerned, the "must" is not written.

6. The post in question is in Fire Services of the Municipal Council. Apart from the legal submissions that are advanced by the learned counsel for the petitioner, we ask a question to ourselves as to whether any person who is highly meritorious in his examination of B.A. or B.Com, would he be in a position to fight the fire if he does not possess the basic qualification for that. It is to be noted that the National Fire Service College at Nagpur is the only College in the entire country which imparts education in the field of fire fighting. We,

therefore, find that it would not be necessary to go into the legal arguments as advanced by the learned counsel for the petitioner.

7. We find that if a person who is not having a basic skill of fire fighting is appointed in the Fire Services , it will be endangering the life of the citizens at large. We had requested the learned AGP to take instructions as to whether any person who has not passed the said course has been appointed to the post or not. The learned AGP states that no such person has been appointed by the respondent-authorities, who does not possess the said qualification.

8. In that view of the matter, we do not find that any interference is warranted in the present writ petition. The writ petition is rejected.

JUDGE

JUDGE

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