

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

WRIT PETITION NO. 6599 OF 2015

Gajanan Bhaurao Meshram

-vs-

Amravati Municipal Corporation, thr.its Commissioner, Amravati and another

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

Court's or Judge's Orders.

Mr.P. S. Patil, counsel for the petitioner.
Mr. Ramesh Darda, counsel for the respondent No.1.
Mr. K.L.Dharmadhikari, AGP for the respondent Nos.3 and 4.

CORAM : SMT. VASANTI A NAIK &
KUM. INDIRA JAIN, JJ.

DATE : 16.09.2016.

By this writ petition, the petitioner challenges the communication of the respondent No.1-Commissioner, Amravati Municipal Corporation, dated 06/11/2015, rejecting the claim of the petitioner for appointment on the post of Fireman.

As per the advertisement issued by the respondent-Corporation inviting applications for appointment on the posts of Fireman, the petitioner applied for the post that was earmarked for the Open Category. In the advertisement, there was no reservation for the ex-serviceman, though in Clause 7 of the advertisement, it was stated that there would be a reservation for the sports person, project affected persons and ex-serviceman. Out of the 27 posts that were advertised, 16 posts were earmarked for the Open Category. The petitioner belongs to Open Category. As per the age criteria, the minimum age for appointment was 18 years and the maximum age was 33 years. The petitioner was admittedly 45 years of age while making the application for appointment. The petitioner, however, claimed relaxation of age, in view of the Government Resolution, dated 20/08/2010. According to the petitioner, in view of the said resolution, the petitioner's age would be considered to be 27 years by applying the formula laid down in the

said Government Resolution, but the candidature of the petitioner was rejected, though he was permitted to appear on the seat earmarked for the Open Category. The petitioner has challenged the action on the part of the respondent-Corporation in not appointing the petitioner on a post meant for the ex-serviceman.

Shri Darda, the learned counsel for the respondent-Corporation, submitted that the petitioner was not only age barred, but the petitioner did not secure the minimum qualifying marks for the Open Category. It is stated that the cut-off marks for appointment of candidates from the Open Category was 44 and the petitioner had secured only 43 marks. It is stated that the candidature of the petitioner was rejected mainly because the petitioner had not secured the minimum marks that were required for appointment in the Open Category. It is stated that no posts were specifically earmarked for the ex-serviceman, the project affected persons and the sports persons in the advertisement and if the petitioner was aggrieved by the action on the part of the Corporation in not earmarking some posts for the ex-serviceman, the petitioner ought to have challenged the action before participating in the selection process. It is stated that no posts are specifically earmarked for any of the aforesaid categories and the claim of the petitioner for appointment cannot be accepted, specially as the petitioner has secured less than the cut-off marks.

On hearing the learned counsel for the parties, we find that there is no scope for interference with the action on the part of the respondent-Corporation in rejecting the candidature of the petitioner. The petitioner had secured only 43 marks and the cut-off marks for the candidates belonging to the Open Category are 44. All the 16 posts that were earmarked for the Open Category has been filled up as early, as on 20/10/2015. There was no post specifically earmarked for the ex-serviceman and the petitioner had not challenged the action on the part of the respondent-Corporation if not earmarking a post specifically for the ex-serviceman. Also, we find that the petitioner was 45 years of age and the maximum age for appointment on the post of Fireman was

33 years. We are not inclined to accept the interpretation of the formula, as per the submission made on behalf of the petitioner in this case, specially when the petitioner has not secured the cut-off marks meant for the Open Category candidates.

Since there is no merit in the challenge to the appointment of the other candidates in the Open Category and the rejection of the candidature of the petitioner, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE

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 : 20/09/2016