

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

WRIT PETITION NO.908/2016

Shweta Dhananjay Tekam

...Versus...

State of Maharashtra, through Collector, Nagpur and others

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

Court's or Judge's orders

Shri S.B. Ninawe, Advocate for petitioner
Shri A.M. Balpande, AGP for respondent nos.1 and 2
Shri I.S. Charlewar, Advocate for respondent no.3

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

DATE : 16.11.2016

By this writ petition, the petitioner challenges the action on the part of the respondent no.2 in rejecting the candidature of the petitioner for appointment on the post of Civil Engineering Assistant on the ground that the petitioner does not possess the basic qualification as prescribed by the advertisement.

The respondent – Zilla Parishad had floated an advertisement on 22.8.2014, inviting applications for appointment on several posts including the post of Civil Engineering Assistant. As per the qualification criteria, a candidate was required to possess a Secondary School Certificate and a certificate from the Industrial Training Institute or a certificate as an Agricultural Draftsman or as a Construction

Supervisor or as a Draftsman. According to the petitioner, the petitioner possesses the Secondary School Certificate and a Diploma in Civil Engineering. According to the petitioner, though the petitioner was successful in the written examination, the candidature of the petitioner was wrongfully rejected on the ground that the petitioner does not possess the certificate from the Industrial Training Institute or a certificate as an Agricultural Draftsman or as a Construction Supervisor or as a Draftsman. The petitioner has challenged the action on the part of the respondent no.2 in rejecting the candidature of the petitioner.

On hearing the learned Counsel for the parties, it appears that the relief sought by the petitioner cannot be granted. On a perusal of the advertisement, dated 22.8.2014 it is clear that it would be necessary for a candidate applying for the post of Civil Engineering Assistant to possess a Secondary School Certificate and a certificate from the Industrial Training Institute or a certificate as an Agricultural Draftsman or as a Construction Supervisor or as a Draftsman. Admittedly, though the petitioner possesses the Secondary School Certificate, the petitioner does not possess the certificate from the Industrial Training Institute or a certificate as an Agricultural Draftsman or as a Construction Supervisor or as a Draftsman. Merely because the petitioner possesses a diploma in engineering, the petitioner cannot be considered to be eligible for appointment on the post of Civil Engineering Assistant in terms of the qualification criteria prescribed by the advertisement, when the petitioner does not possess the basic qualification, i.e., a certificate from the Industrial Training Institute or a certificate as an Agricultural

Draftsman or as a Construction Supervisor or as a Draftsman. We do not find any illegality in the action on the part of the respondent no.2 in rejecting the candidature of the petitioner on the ground that the petitioner did not possess the requisite qualification. The petitioner cannot base her claim for the post on the basis of the Government Circular, dated 3.12.2015 as the advertisement was issued on 22.8.2014 and the petitioner had applied in pursuance of the advertisement, without challenging the qualification criteria mentioned in the same.

Since the petitioner does not fulfil the basic criteria in respect of qualification, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar