

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11559 OF 2014

SIDHESHWAR GANPATI TALEGAVE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Kakasaheb B. Jadhav, Advocate for the petitioner
Mr.S.W.Mundhe, AGP for the respondent/State
Mr.A.S.Bajaj, Advocate for respondent No.2

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.**

DATED : 11.10.2017

P.C. :-

. Mr.Jadhav, learned counsel for the petitioner submits that the petitioner had applied for post of Electric Assistant. The petitioner secured 64.26%. The marks were based on performance in SSC. The petitioner had applied from open sports category. However, the sport certificate is held to be invalid. The petitioner should have been considered from open category. There are many persons having less marks than the petitioner whose name appeared in the select list.

2. Mr. Bajaj, learned counsel submits that the

petitioner had applied from the sports category pursuant to the advertisement of the year 2012. Subsequently fresh advertisement in the year 2014 was issued, pursuant to that advertisement the petitioner applied from ESBC category. The petitioner has secured 64.26% in open category. The last person selected has 73.73% and wait list of open category consist of person securing 67.64% marks. The ESBC select list is not published as the social reservation issue of ESBC is subjudiced before the principal seat at Bombay.

3. The statement is made by respondent that the petitioner had participated in selection process pursuant to the advertisement of the year 2014 from the ESBC category. The said list is not finalized as the issue of social reservation of ESBC is subjudiced before principal seat at Bombay.

4. Statement is made that in the open category last person in the select list has secured 73.73 marks and

open category (apprenticed) 69.25%. The last candidate in the wait list from the open category has secured 67.54%. The petitioner herein has secured 64.26% marks i.e. less marks than the last candidate in the wait list. As such the case of the petitioner certainly cannot be considered from open competition category. The respondent may consider his case on merits, if ESBC list is published. The writ petition accordingly stands disposed of. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]