

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1084 OF 2016

Dayanand Malhari Doranalpalle,
Age Major, Occupation Nil,
R/o At Post Balsa (Bk), Post Mirkhe,
Tal. Purna Dist. Parbhani.

...Petitioner

Versus

1) The State of Maharashtra and others

2) The Commissioner,
Nanded - Waghala City,
Municipal Corporation,
Tal. and Dist. Nanded.

3) The State Project Director,
Maharashtra State Primary,
Education Council,
Charni Road, Mumbai.

...Respondents

Mr. Ajinkya Reddy, Advocate for petitioner.
Mr. S. B. Yawalkar, AGP for respondents No.1 and 3/ State.
Mr. R. K. Ingole, Advocate for respondent No.2.

**CORAM : R. M. BORDE &
SMT. VIBHA KANKANWADI. JJ.**
DATE : 13-12-2017

PER COURT :

1. Heard.

2. The petitioner is praying for issuance of directions to respondents to appoint him as a Special Teacher in pursuance to his selection made on 21-08-2001. The petitioner claims that, he holds the degree in Special Education and also possesses “Rehabilitation Council of India” certificate. The petitioner belongs to scheduled casts category. The petitioner contends that, the candidate not possessing “Rehabilitation Council of India” certificate has been selected, which action is violative of the recruitment process and eligibility conditions mentioned in the advertisement.

3. The learned counsel appearing for respondent has pointed out that, in terms of the advertisement, preference shall have to be given to the candidates holding diploma certificate in Special Education. Since the petitioner does not possess the diploma, he has not been preferred. The candidate who possess the requisite diploma is preferred though he was not possessing “Rehabilitation Council of India” certificate. It is contended that, in terms of the conditions stated in the advertisement, the candidate possessing diploma in Special Education has been preferred and there is no illegality in finalizing the recruitment process. It is also contended that, there were required number of candidates available and as such the claim of

the petitioner has not been considered.

4. It is further stated that, the scheme was financed by the Central Government and the Central Government has taken a decision not to extend finance for the scheme since 2013-2014. In this view of the matter though the scheme is continued, no further appointments are made under the scheme.

5. For the reasons recorded above, no interference is called for in exercise of extra ordinary jurisdiction of this court, under Article 226 of Constitution of India.

6. The writ petition is rejected.

[SMT. VIBHA KANKANWADI]
JUDGE

[R. M. BORDE]
JUDGE

vjg/-.