

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1441 OF 2016

Archana Bajirao Ghule

.. **Petitioner**

Versus

The State of Maharashtra and another

.. **Respondents**

Shri Santosh S. Jadhavar, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A. G. P. for Respondent No. 1.

Shri U. B. Bondar, Advocate for Respondent No. 2.

CORAM : **S. V. GANGAPURWALA &**
MANGESH S. PATIL, JJ.

DATE : **14th September, 2017**

PER COURT :

1. Mr. Jadhavar, learned counsel for the petitioner submits that pursuant to the Advertisement No. 1 of 2015, the petitioner had applied for the post of Arogya Sevika (Mahila). The petitioner is a disabled candidate having 40% low vision. Five posts were meant for physically disabled candidate. The application of the petitioner was accepted. The petitioner has participated in the selection process and the name of the petitioner is kept in the wait list from other than reserved category. The learned counsel submits that, the respondent has not selected candidates from disabled category as they were not available. The petitioner is the only candidate who stands in merit and ought to have been given appointment.

2. Mr. Bondar, learned counsel for the respondent submits

that as per the Government Resolution dated 14.1.2011 the post for Arogya Sevika (Mahila) is to be reserved for One Leg Affected. The petitioner has 40% low vision and the candidate having low vision cannot be considered for the said post because of the nature of the duties involved.

3. We have considered the submissions.

4. We could have considered the arguments of Mr. Jadhavar, learned counsel for the petitioner had the petitioner challenged the advertisement before participating in the selection process. The petitioner after having participated in the selection process is contending about the post. The post of Arogya Sevika (Mahila) from physically disabled category is reserved only for One Leg Affected. The policy of the Government under its Resolution dated 14.1.2011 in vogue is not under challenge.

5. In view of the fact that the said reservation provided is as per the Government Resolution dated 14.1.2011, the challenge to the manner of reservation in the advertisement after the petitioner has participated in the selection process cannot be entertained.

6. In light of the above, the writ petition is dismissed. No costs.

[MANGESH S. PATIL, J.]
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[S. V. GANGAPURWALA, J.]