

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

WRIT PETITION NO. 2438 OF 2017

**PRAVIN CHUDAMAN CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Joshi Sujeet D
AGP for Respondents 1 to 3 : Mr. M.B.Bharaswadkar

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 22nd FEBRUARY, 2017

O R D E R :

Mr. Joshi, learned counsel for petitioner submits that the petitioner and respondent no.4 both have passed the written examination. The petitioner got 59 marks and respondent no.4 secured 56 marks in the written examination. Both were called for oral interview. In the oral interview, the petitioner was given 10 marks, whereas respondent no.4 was given 16 marks.

2. Learned counsel submits that there was no transparency in allotment of oral marks. Individual marks by each member of the Selection Committee were not awarded. Consolidated marks were allotted. There is nothing on record to show that each and every member has consciously participated in the selection process i.e. oral interview. If each and every member had participated in the oral interview, each member is required to give separate marks. This was not done. Only with a view to favour the candidate associated with the ruling political party the marks were allotted. According to the learned counsel, this is required to be considered. In many cases it has happened that the persons who secure more marks have been given less marks in oral interview to favour the privileged few who are having their allegiance to the ruling political party.

3. We have heard Mr. Bharaswadkar, learned A.G.P. for respondent nos. 1 to 3.

4. Allotment of marks in interview could be based on subjective satisfaction based on objective assessment by the members of the Committee. Consolidated marks are given by the Selection Committee, meaning thereby that all the members of the Committee unanimously agreed to give particular marks to the candidates. The allegations that the consolidated marks were given to favour the persons owing allegiance to a particular party would be too vague unless the said allegiance is writ large. However, selection process would have its own way to give marks. It is not the case that for some candidates consolidated marks were given and to some individual marks were given by the Selection Committee. The marks given in the interview may not be open for judicial scrutiny unless the proof of mala fides exist. This court would not sit in appeal over the marks given in the interviews. Without actual proof of mala fides it would not be possible to entertain the grievance of the petitioner.

5. Considering the above, the Tribunal has not committed any error. In view of that, Writ Petition disposed of. No costs.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

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