

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

WRIT PETITION NO. 3472 OF 2017

Mohan Rambali Pandey

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Harshal Prakash Randhir, Advocate for the Petitioner.

Shri P. S. Patil, Addl. G. P. for the Respondent No. 1.

Shri V. C. Patil, Advocate h/f Shri S. M. Godsay, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : 17TH MARCH, 2017.

PER COURT :

. The learned counsel for the petitioner states that, pursuant to the advertisement issued by the respondent No. 2, the petitioner attempted to fill in online application for the post of Junior Lab Chemist. The petitioner is a sports person and had participated in Maharashtra State Tug of War Championship and had stood first. Five per cent reservation is meant for sports person's category as per the Government Resolution dated 30th April, 2005. For the persons from sportsman category the petitioner applied, as such was entitled for relaxation in age by five years. The learned counsel submits that, the petitioner is

aged about 39 years. The petitioner would be entitled for the age relaxation.

2. The learned counsel for the respondent No. 2 submits that, no age relaxation is provided for sportsman. The last date for accepting application was 13.02.2017 and the written examination is scheduled tomorrow.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The advertisement is not a subject matter of challenge. The advertisement provides for reservation of 5% posts for sportsman category. However, does not provide for age relaxation in respect of the post to be filled in from sportsman category. Note - A and B of the Advertisement No. 01 (Jan)/2017 reads as under :

Note - A :

- i) Upper age limit is relaxed by 5 years for the candidates applying against Backward Category post.
- ii) Upper age limit for departmental employees working in MHAGENCO is upto age of 57 yrs.
- iii) Candidates applying against Open, age limit is as mentioned in the above table.
- iv) Upper age limit for persons with Disability, Ex-serviceman & Project Affected Persons will

be 45 Years.

Note - B : For Age, Education and Experience as on
07th February 2017 will be considered.

5. The age relaxation is provided for the persons with disability, Ex-serviceman and project affected persons category. The conditions in advertisement will have to be followed. There would be many other candidates as like the petitioner, who would have been deprived from appearing in the examination.

6. Considering the above, there is no case for interference made out. The writ petition is dismissed of. No costs.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

45bsb/March 17