

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

23 WRIT PETITION NO. 4681 OF 2011

SHAIKH ARSHIYA ABDUL HAMID

VERSUS

THE STATE OF MAH AND ANR

...

Advocate for Petitioner : Mr. Thombre S. S.

AGP for Respondents State: Mr. R. B. Bagul

Advocate for Respondents No.2 : Mr. A. R. Nikam

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

DATE : 30th January, 2017

ORDER:

1. Mr. Thombre, the learned counsel for the petitioner submits that the petitioner though had applied from Marathi Medium, however, the petitioner had one subject of Urdu Medium while prosecuting the D. Ed. Course. The learned counsel submits that the petitioner could have been considered from the 20% category i.e. having subject Urdu. The Zilla Parishads have considered such candidates who are possessing one subject other than Marathi from the category of that one subject. According to the learned counsel the respondents have committed error in not considering the same.

2. The learned counsel further submits that in fact the petitioner is a project affected person also. At

the time of filling in the form, the petitioner was unaware of the fact, however, on getting knowledge of the same subsequently, application alongwith the certificate was given to the respondents.

3. The learned counsel for the respondents submits that the petitioner had applied from Marathi Medium and as such is considered from Marathi Medium. Even while filling in the form, the petitioner had applied specifically from Marathi Medium and has specifically stated that she does not belong to Project Affected Persons category as such, the petitioner possessing less marks than the cut off marks could not have been considered.

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

5. The petitioner had secured 121 marks and the cut off marks for a candidate from Marathi Medium are 146 marks. We have also considered the application filed by the petitioner pursuant to the advertisement. The application specifically states that the petitioner has applied from open category. It further states that the petitioner has applied from Marathi Medium and also specifically states that the petitioner is not a

Project affected person. The selection process is conducted pursuant to the application filed by the petitioner. Subsequent deviation therefrom shall not be permissible.

6. Considering the above, the grievance put forth by the petitioner cannot be considered. Writ petition as such disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC