

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

WRIT PETITION NO. 4992 OF 2012

VILAS DINKARRAO DANGE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for the Petitioner : Shri Golegaonkar Anil S.
AGP for the Respondents/ State : Shri B.A.Shinde.

...

**CORAM: RAVINDRA V. GHUGE
AND
SUNIL K. KOTWAL, JJ.**

DATE :- 13th November, 2017

Per Court :

1 By this petition, the Petitioner has put forth two prayers
under paragraph 22-B and 22-C, which read as under:-

- "(B) To direct the Respondent Nos.3 to 5 to not to issue any appointment order to the post of Laboratory Attendant Class IV on the basis of interviews held on 31.03.2012 and to direct the Respondent Nos.3 to 5, the Petitioner being eligible and fulfilling all the requisite qualification, be called for oral interview, which is sole selection mode and consider the claim of the Petitioner to the post of Laboratory Attendant Class IV in pursuance of his application made well within time i.e. on 06.03.2012 by issuing the appropriate writ, orders or directions as the case may be;
- (C) To grant stay to the Selection Process for the post of Laboratory Attendant held on 31.03.2012 by way of interview as all the eligible candidates were not called and also direct not to issue any appointment order appointing candidates on the post of Laboratory

Attendant Class IV on the basis of interviews held on 31.03.2012 and complete the selection process by calling all the eligible candidates a fresh for oral interview, being sole selection mode and then fill in the posts of Laboratory Attendant by issuing the appropriate writ, orders, or directions as the case may be."

2 While issuing notice on 29.06.2012, this Court had not granted any interim relief to the Petitioner, who is now stated to be about 48 years of age.

3 We have considered the submissions of Shri Golegaonkar, learned Advocate on behalf of the Petitioner and the learned AGP on behalf of the Respondents.

4 Amongst several posts advertised by the Respondents by their advertisement dated 22.02.2012, one post of Laboratory Attendant was available, for which 103 applicants had come forward. The Petitioner was one amongst them.

5 We find from the record before us that the prescribed qualification for the post of Laboratory Attendant settled by the competent authority of the State is education upto the ninth standard. Inadvertently, the advertisement mentioned the prescribed qualification as tenth standard. By a corrigendum issued subsequently, the mistake was corrected.

6 The Petitioner being a graduate, was not given the call letter

as like 99 other applicants. Only three applicants amongst 103, were found eligible for the post of Laboratory Attendant as they were having the prescribed qualification of education upto the ninth standard.

7 The grievance of the Petitioner is that though he is a graduate, he could have been considered for the said post.

8 The learned AGP submits that it is a policy of the State, not to appoint persons who are highly qualified in comparison to the prescribed qualification, for several reasons, one amongst them being that the persons with lower education must also get an equal opportunity in employment and secondly, the persons with higher qualifications subsequently quit for better prospects.

9 Considering the above and taking into account the fact that the Petitioner is about 48 years of age and the retirement age is prescribed at 58 years, we do not find that this petition needs to be considered.

10 As such, this Writ Petition is dismissed.