

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

Writ Petition No. 06532 of 2013

District : Aurangabad

Machhindra s/o. Rupchand Chaudhari,
Age : 37 years,
Occupation : Service,
R/o. Sr.No.154, Plot No.116,
Vasant Nagar, Surewadi,
Near Datta Mandir, Harsool,
District Aurangabad.

.. Petitioner.

versus

1. Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Through its Registrar.

2. Amol s/o. Narendra Kulkarni,
Age : Major,
Occupation : Service,
R/o. 11/B, Anandwan Society,
Opp. Aditya Nagar,
near New RTO Office,
Vijapur Road, Solapur,
District Solapur.

.. Respondents.

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Mr. V.D. Sapkal, Advocate, for the petitioner.

*Mr. S.G. Chapalgaonkar, Advocate, for respondent
no.01.*

Mr. V.P. Latange, Advocate, for respondent no.02.

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**CORAM : R.M. BORDE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 12TH OCTOBER 2017

ORAL JUDGMENT [Per R.M. Borde, J.] :

01. The petitioner is objecting to selection and appointment of respondent no.02 to the post of Assistant Keeper of Museum in Dr. Babasaheb Ambedkar Marathwada University, Aurangabad. The necessary qualification prescribed for the post under the advertisement issued by the University in the year 2012 is that the candidate shall possess second class Master's Degree in History / Ancient Indian culture of a statutory University / Diploma in Archaeology with at least two years' experience of working in History Museum. The candidate shall also possess proficiency in Marathi and English languages. It is also prescribed that the candidate shall possess proficiency in Computer as prescribed by State Government from time to time. As per advertisement, the desirability prescribed is that the candidate shall possess certificate in Modi by Department of Archives / certificate in Preservation of Manuscripts / certificate in excavation / certificate / Diploma in Epigraphy.

02. The petitioner do possess Master's Degree of Arts in the subject of History and is serving in history museum as a Translator. He does possess certificate of Modi language issued by the Department of Archives. It is, however, contended that the selected candidate i.e. respondent no.02 does not possess two years' experience of working in history museum. Relying on the certificate annexed by

respondent no.02 and application tendered by him seeking employment, it is contended that the experience stated by him as a Project Associate / Research Assistant as well as his experience as an Assistant Archaeologist does not satisfy the requirement under the advertisement. Reliance is placed on the judgment of Hon'ble Apex Court in the case of *Rajasthan P.S.C. Vs. Kaila Kumar Paliwal & another* [2007 AIR (SC) 1746] to contend that an ineligible candidate shall not be considered for the post and that the selection of respondent no.02 is bad in law.

03. The University has controverted the contentions raised by the petitioner by filing a reply. It is contended by the University that the petitioner is over age and as such he is not eligible to be considered. The petitioner, however, controverts the contention by contending that since he belongs to reserved category, relaxation in age is applicable and as such he should have been considered as eligible candidate for the post of Assistant Keeper of Museum.

04. In the reply filed on behalf of the University, it is stated that the selected candidate i.e. respondent no.02 possesses much better higher qualification than the petitioner. It is further stated that recommendation of the Selection Committee was accepted by the University and as such, respondent no.02 came to be appointed.

05. Affidavit in reply is also filed on behalf of respondent no.02, the selected candidate, wherein he has stated that he possesses Master's Degree from Pune University in the subject of Ancient Indian Culture, Culture and Archeology and not merely in Archeology as contended by the petitioner. It is contended that in addition to the qualification of Master's Degree, he has also been conferred with Ph.D. degree. He has completed Diploma in Museology and has experience of working in museum. It is contended that he has participated in the programme of excavation at Junnar and has taken active part in setting museum at Junnar, District Pune. It is further contended that the petitioner's experience in the museum in the University is as a translator and not as as a museum personnel. Respondent no.02 has also experience of working as Assistant Archaeology in Archaeological Survey of India for about 10 months.

06. It does appear that the selected candidate does possess much better qualification apart from having experience as a museum personnel which is a requirement under the advertisement. There does not appear to be any inconsistency or irregularity in selecting respondent no.02, who is possessing much better qualification than that of the petitioner for the post advertised.

07. No interference is called for in exercise of

extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The petition is devoid of any substance. The writ petition is accordingly dismissed. Rule discharged. In the circumstances of the case, there shall be no order as to costs.

(Smt. Vibha Kankanwadi)
JUDGE

(R.M. Borde)
JUDGE

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