

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

WRIT PETITION NO. 9328 OF 2017

Sayyad Jarinabi Raisoddin and others .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri. Pramod A. Kulkarni Advocate for Petitioners.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondents No. 1.

Shri Mukul S. Kulkarni, Advocate for the Respondent No. 2.

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

DATED : 10th AUGUST, 2017

PER COURT:

. The petitioners assail the order of the Maharashtra Administrative Tribunal rejecting application for interim relief.

2. The petitioners had participated in the selection process for the post of Police Sub Inspector (PSI). The petitioners failed in the selection

process. Thereafter, assailed the said selection process on the ground that the marking system for the physical test was improper. There is discrimination between male and female candidates.

3. Mr. Kulkarni, the learned counsel submits that, the efficiency criteria laid down for constable (Female), PSI (Female) are separate. The person aspiring for the posts of the PSI naturally is of advanced age, than of the constable. Said criteria of physical test ought to be reduced. The learned counsel further submits that, even in case of persons competing for PSI (Male) category, the marking system is less rigorous than the one for PSI (Female) category. The same is discrimination. The Tribunal has not considered the said aspect.

4. Mr. Mukul Kulkarni, the learned counsel appears for respondent No. 2/MPSC.

5. We have also heard Mrs. Gondhalekar, the learned Additional Government Pleader for the respondent No. 1.

6. The tribunal has rejected the prayer for interim relief.

7. It would appear that after participating in the selection process, the petitioners are assailing the standards prescribed for the physical test. Once petitioners participate in the selection process, then it is impermissible for them to challenge the conditions laid down in such selection process.

8. Moreover, the physical test for selection of PSI (Male) is much more rigorous than for the PSI (Female). Both cannot be equated and marking system for both cannot be equated so as to enable the petitioners to take a plea of discrimination. So also the rigorous physical test for the post of constable and PSI cannot be equated.

9. In light of the above, there is no merit in the petition. The writ petition is dismissed. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]