

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

WRIT PETITION NO. 10998 OF 2016

Vinayak Uttamrao Banchod .. Petitioner
Versus

Maharashtra Public Service Commission
Through its Deputy Secretary and others.. Respondents

Shri Santosh S. Jadhavar, Advocate for the Petitioner.
Shri M. B. Kolpe, Advocate for the Respondent No. 1.
Shri S. W. Munde, A.G.P. for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
S. M. GAVHANE, JJ.**

DATE : 06TH DECEMBER, 2017.

FINAL ORDER :

. Mr. Jadhavar, the learned counsel for the petitioner submits that, pursuant to advertisement inviting applications for the post of Principal, Industrial Training Institute, the petitioner had applied from N. T. - D category. The petitioner was found to be qualified. The petitioner appeared for the written examination. As per the result the petitioner secured 90 marks. The cut off marks for N. T. - D category were 90 marks. The respondent No. 1 did not hold the interviews as per the cut off marks. However, the cut off marks were revised to 102. The learned advocate submits that, the revision in the cut off marks was on the basis of Government circular dated 13.08.2014. The

said circular would not apply, as it deals with horizontal and vertical reservation. According to the learned counsel, the Tribunal also did not consider the case of the petitioner. The ratio of calling five candidates for one post was changed to three candidates for one post in the midst of the selection process. The learned advocate submits that, this change in the ratio was not permissible. Even as per Rule 9 of the Maharashtra Public Service Commission Rules of Procedure 2005, if one post is advertised, five candidates are to be called and five candidates are to be short listed. The selection procedure being defective, deserves to be set aside.

2. Mr. Kolpe, the learned advocate for the respondent No. 1 submits that, as per the policy three persons were short listed for one post as the post was isolated one. The Rule 09 of the M. P. S. C. Rules of Procedure 2005 has been rightly followed.

3. To set at rest any ambiguity, we had asked, the learned advocate for the respondent No. 1 to submit the list specifying marks obtained by the candidates. The list is produced by the respondent No. 1. As per the list, there are six candidates above the petitioner who have secured more marks than the petitioner. The petitioner would stand at Sr. No. 7. Even if, case of the petitioner is accepted that, five candidates are required to be shortlisted, still the petitioner would not find place in the short

listed candidates. In view of the above, it cannot be said that, the petitioner was prejudiced with the selection process.

4. In the light of the above, no case for interference is made out. The writ petition is dismissed. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Dec. 17