

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.11229 OF 2015**Ayodhya Pralhad Mekhale Vs. The State of Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
--	---------------------------

Mr.Anandsing Bayas, advocate for the petitioner.
 Mr.P.S.Patil, Additional Government Pleader for the State.
 Mr.Ajay Deshpande, advocate for Respondent No.3.

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

Date : 08.03.2017.

PER COURT :

1. Heard.
2. Mr.Bayas, learned counsel for the petitioner submits that pursuant to the advertisement issued by the Respondent No.2, the petitioner had applied for the post meant for S.T.(female). There were two posts of S.T. category. Out of two posts of S.T. category, one was for S.T. (female). The learned counsel submits that the petitioner has secured 146 marks and another female S.T. candidate has secured 174 marks. The candidate who had secured 174 marks is considered as per merit in S.T. category and as such the petitioner ought to have been considered for the post meant for S.T.

(female), however, the Respondents have appointed one Mr.Pawar Shrikant Manik, who had secured 160 marks. The same is erroneous and not in conformity with the judgment of the Apex Court in the case of **“Rajesh Kumar Daria Vs. Rajasthan Public Service Commission and others”** reported in (2007) 8 SCC 785.

3. We have also heard learned A.G.P. and Mr.Deshpande, learned counsel for Respondent No.3.

4. It is not disputed that there were two posts meant for S.T. category and in said two posts, one was meant for S.T. (female). One Smt.Shweta Yenalar, had secured 174 marks. Respondent No.3 has secured 160 marks and the petitioner has secured 146 marks. They have all applied from S.T. category. Smt.Shweta Yenalar, has secured highest marks, stood selected on the basis of merit. She being female, one post meant for female was exhausted and the petitioner No.3 having secured the second highest marks is selected as the second candidate from S.T. category. The petitioner having secured third highest marks is kept in the wait list. In case of **“Rajesh Kumar Daria Vs. Rajasthan Public Service Commission and others”** referred to supra, illustration is given which reads as under :

“If 19 posts are reserved for Scs (of which the quota for women is four), 19 SC candidates shall have to be first listed in accordance with merit, from out of the successful eligible

candidates. If such list of 19 candidates contains four SC women candidates, then there is no need to disturb the list by including any further SC women candidate. On the other hand, if the list of 19 SC candidates contains only two women candidates, then the next two SC woman candidates in accordance with merit, will have to be included in the list and corresponding number of candidates from the bottom of such list shall have to be deleted, so as to ensure that the final 19 selected SC candidates contain four women SC candidates. [But if the list of 19 SC candidates contains more than four women candidates selected on own merit, all of them will continue in the list and there is no question of deleting the excess women candidate on the ground that 'SC women' have been selected in excess of the prescribed internal quota of four.]”

5. The Respondents have precisely followed the said procedure.

6. In light of that no case for interference is made out. The Writ Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.08.03.2017.
asp/office/wp11229.15

