

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

WRIT PETITION NO. 12066 OF 2016

Dipak Somnath Doke

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Kishor R. Doke, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for the Respondent No. 1.

Shri S. M. Godsay, Advocate for the Respondent No. 2.

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

DATE : 26TH SEPTEMBER, 2017.

FINAL ORDER :

. The petitioner possesses S.S.C. I.T.I. Electrician qualification. The petitioner also completed training under the National Council for Vocational Training (NCVT) in Maharashtra State Electricity Distribution Co. Ltd. The petitioner also claims to have passed MS-CIT. The petitioner is physically handicapped person having 50% disability in hearing.

2. Pursuant to the advertisement dated 02.02.2016 inviting applications for Technician - III posts, the petitioner applied for the post from general physically handicapped category. The petitioner in the said selection process secured 45 marks and

stood at Sr. No. 4 in the physically handicapped category. Fourteen posts were meant for (PWD) General Physically Handicapped category. The petitioner did not find his name in the list of eligible candidates. His candidature was rejected on the ground that the petitioner has not submitted certificate of apprenticeship of Maharashtra State Electricity Board or MAHAGENCO.

3. Mr. Doke, the learned counsel for the petitioner submits that, in fact apprenticeship certificate was required only for 10% posts and not for the post meant for remaining general category and P.W.D. category. The learned counsel submits that, the petitioner has completed his apprenticeship from MSEDCL and said certificate is also annexed. There was no impediment to consider the petitioner from P.W.D. category and 14 posts were meant for the said category.

4. Mr. Godsay, the learned counsel for the respondent No. 2 submits that, the petitioner while filling in application pursuant to advertisement had stated that, the petitioner had completed apprenticeship from MAHAGENCO, which was incorrect. According to the learned counsel, in view of the said fact, application of the petitioner was rightly rejected. The common conditions are mentioned in the advertisement. The candidates were required to comply with each and every condition.

According to the learned counsel, the petitioner failed to produce the document as per his application including apprenticeship certificate. The petitioner as such was not considered eligible, as he failed to produce the certificate from the institution where he completed his apprenticeship as per his application.

5. We have considered the submissions canvassed by the learned counsel for respective parties.

6. It is a fact that, the post on which the petitioner had applied i. e. Technician - III was general P.W.D. category, did not require the apprenticeship. The only qualification sufficient was S.S.C. I.T.I. The petitioner, it seems also passed MS-CIT and has got NCVT certificate from Maharashtra State Electricity Distribution Co. Ltd. It appears that, while putting tick mark, the same was as against the certificate obtained from MAHAGENCO. Be that as it may, the said qualification was not necessary for the post for which petitioner had applied. We had asked Mr. Godsay, the learned counsel as to whether the post for which the petitioner had applied is still vacant. Mr. Godsay, the learned counsel on instructions states that, the said post is still vacant.

7. Considering the above, as the petitioner possesses qualification and was standing in merit from the General P.W.D.

category, the case of the petitioner needs to be considered. The petitioner as stated above possesses necessary qualification.

8. The name of the petitioner from the list of ineligible candidates be deleted and the candidature of the petitioner be considered for appointment on the post of Technician - III from General P.W.D. category. The writ petition accordingly is allowed. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 17