

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 5897 OF 2017**

Nikita Dilip Ahire

.... Petitioner

Vs.

Maharashtra Public Service Commission
& Ors.

....Respondents.

Mr Jayesh Wani, Adv for the Petitioner.
Mr C.P. Yadav, AGP for Respondent – State.

**CORAM : B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.
DATE : 6 JUNE 2017.**

P.C.:-

1. The Petitioner has approached this Court being aggrieved by not shortlisting the Petitioner for the purpose of interview for the post of lecturer – Arts and Crafts (Textile Design).

2. Mr Wani learned Advocate for the Petitioner submits that as per the advertisement, the Petitioner is possessing requisite experience of three years. He further submits that as per the advertisement published by the Maharashtra Public Service Commission, three years combined experience is sufficient for making a candidate eligible for

the purpose of interview. He relies on the certificate issued by Sir J.J. School of Art dated 30th May 2016 as well as Rishika Apparels of 1st July 2015.

3. Shri Yadav learned AGP appearing on behalf of State vehemently opposed Petition.

4. The perusal of the advertisement issued by State reveals that in so far as experience is concerned it is provided that the candidate must have an experience of teaching Art in any institute of Art, recognized in this behalf or in statutory University or combined professional and teaching experience for not less than three years.

5. No doubt that is contention of the learned AGP that the experience of the Petitioner of working as lecturer on contract basis also cannot be taken in to consideration. Rejecting for a moment the said contention and assuming that such an experience can be taken into consideration, however, the said experience also falls much shorter of requisite three years. In so far as the other certificates on which the Petitioner relies are concerned they are with regard to the

professional work. The requirement in the advertisement is that the certificate has to be by institution recognized of teaching Art. There is nothing on record to show that the said institutes are recognized in teaching in Art.

7. In any case the Apex Court in the case of *Afcons Infrastructure Ltd. Vs. Nagpur Metro Rail Corporation Ltd & Anr.*¹ held that unless the interpretation on the conditions as placed by employer, has been found to be totally arbitrary or unreasonable, it is not possible for this Court while exercising jurisdiction under 226 to sit in appeal and interfered with the same.

8. In that view of the matter we find that no case is made out under 226 of the Constitution of India.

9. Writ Petition is rejected.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI J.)

1 2016 (8) Scale Vol. VIII 5 p.45