

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 11523 OF 2016

Santosh P. More ... Petitioner

V/s.

The State of Maharashtra & ors. ... Respondents

Mr. Abhijeet Kandarkar for the petitioner.
Mr. P.P. More, AAGP for State/respondent.

***CORAM : NARESH H. PATIL AND
R.G. KETKAR, JJ.***

7th December, 2017.

P.C.

The petitioner challenges the judgment and order passed by the Maharashtra Administrative Tribunal in Original Application No. 104/2016 dated 29th June, 2016. The petitioner applied for the post of 'Blacksmith' pursuant to advertisement issued by respondent-State on 31st December, 2014. The petitioner had certificate issued by ITI in the Trade of Welder (Gas and Electric). He applied for the post on

15th January, 2015 and appeared in the written examination conducted in the month of February 2015. The practical exam was held in March 2015. His name was published in the list of selected candidates on 30th March, 2015. At that stage during the scrutiny respondent found that petitioner did not have a certificate of Trade namely 'blacksmith' instead he possessed certificate as 'Welder'.

2. By communication dated 26th May, 2015 the respondent no.3 informed the petitioner that as he did not possess a certificate for the post applied, his selection for the post stood cancelled.

3. The petitioner had approached the Tribunal. By a judgment and order the Maharashtra Administrative Tribunal dismissed the application of the petitioner vide order dated 29th June, 2016 in Original Application No. 104/2016.

4. During the course of hearing it was submitted that Central Government had informed the Joint Director, Technical Education,

Regional Office, Pune on 14th May, 2015 as under:-

“Please refer to your letter no. JDTEP/EST-3(B)2015/1813 dated 7th May, 2015 regarding on the subject mentioned above. It is informed that during the year 1968, the name of the trade was 'Black Smith'. Thereafter, it was renamed as 'Forger & Heat Treatment'.

The curricula of trade Modular' was revised and renamed as 'Foundryman' in year 1996.”

5. The State had issued the subject advertisement prior to receipt of communication sent by Government of India. The Center had informed the State in the year 2015 where the subject advertisement was issued in the year 2014. The Counsel appearing for petitioner submits that it is informed to him that in other part of the State in identical situation persons were appointed as having the trade as 'blacksmith' though they did not possess such certificate. Learned AGP appearing for the State submits that in case some such cases are

there, they may be 8-10 years old ones. There is no case made out to re-open such cases by the petitioner.

6. Learned AGP further submits that the petitioner by a communication dated 4th April, 2015 had informed that his certificate be considered as equivalent to the trade as 'blacksmith' but by that time it was too late. The petitioner lacks specific and basic qualification to the post. His selection had to be cancelled.

7. We have perused the record placed before us and the judgment of the Tribunal. We find that admittedly petitioner does not possess a certificate of trade as 'blacksmith'. The certificate refers to a Trade of Welder (Gas and Electric). According to learned AGP these two trades are entirely different and, therefore, petitioner could not be selected. There is inherent deficiency in the basic qualification of the petitioner to the post concerned. We find that Tribunal had considered the relevant issues and reached appropriate conclusions. In exercise of our writ jurisdiction under Article 226, we do not notice any perversity

in the judgment of the Tribunal. There is no merit. Writ Petition is dismissed.

(R.G. KETKAR, J)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.