

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 12655 OF 2015

Shri. Kiran Ramkrishna Udamale

.....Petitioner

V/s.

The Municipal Commissioner, Brihan Mumbai
Municipal Corporation and another

....Respondents

Mr. Bhushan A. Bandiwadekar for the Petitioner.
Mr. Pradeep M. Patil for the Respondent no. 1.

**CORAM : NARESH H. PATIL &
Z. A. HAQ, JJ.**

DATE : 12th SEPTEMBER 2017.

P.C. (Per: Z. A. Haq, J.)

1 The petitioner complains that his name is wrongly/illegally deleted from the select list of candidates for the post of clerk, on the arbitrary ground that at the time of verification of the original documents he has failed to produce original admit card. The petitioner prays that the decision of the respondent to delete his name from the select list be quashed and the respondent be directed to appoint the petitioner on the post of clerk and to grant all consequential benefits.

2 Pursuant to the advertisement issued in March 2014 for 942 posts of clerk, the petitioner had submitted his application. After scrutiny, the petitioner was permitted to participate in the selection process and then the name of the petitioner was shown at serial no. 582 in the select list. The petitioner was asked to submit original documents which the petitioner submitted on 03/12/2014. On 21/05/2015, the respondent issued communication to the effect that the name of the petitioner was deleted from the select list as at the time of verification of the original documents, petitioner had not submitted the original admit card. According to the petitioner, the name of the petitioner cannot be deleted from the select list for non production of original admit card. The petitioner contends that the admit card given to candidates at the time of examination is in two parts and though the respondent is now contending that the upper half portion of the admit card is handed over to the candidate after verification and after it is signed by the invigilator, in the case of petitioner, upper half portion of the admit card was retained by the authority at the examination centre and it was not given to the petitioner.

3 The respondent has filed reply pointing out that to prevent impersonation at the examination, the Examining Authority and the respondent has come out with the system that admit card is given to the candidate and at the time of entering examination hall, the candidate has to paste his/her photograph on the admit card and then the invigilator verifies that the photograph on the admit card is of the candidate holding the admit card and entering examination hall and invigilator puts his signature and upper half portion of the admit card containing photograph of the candidate and the signature of the invigilator is handed over to the candidate. According to the respondent, this original admit card is required to be produced by the candidate, if selected, to verify that the candidate who is selected had himself/herself appeared for the examination.

The learned Advocate for the respondent has pointed out that the admit card categorically states that it is mandatory for the selected candidate to present the admit card at the time of verification of original certificates of educational qualifications. It is submitted that as the petitioner could not produce the original admit card, it could not be verified that he had appeared

for the examination and as the petitioner did not comply with the mandatory requirement, the name of the petitioner is deleted from the select list. It is submitted that 13 candidates whose names were in the select list could not produce original admit card at the time of verification of the original documents and names of all these 13 candidates are deleted from the select list. It is further submitted that the name of the petitioner was deleted from the select list on 21/05/2015, however, the petitioner had not taken any steps in the matter and the notice of the petition is served on the respondent in June/July 2016 i.e. after more than one year of the deletion of his name from the select list. It is submitted that selection process is complete and appointments are made.

4 After hearing the learned Advocates for the respective parties and examining the documents placed on record of the petition, we find that the petitioner has not made out a case for interference by this Court in the extraordinary jurisdiction. As rightly pointed out by the learned Advocate for the respondent, admit card clearly states that if the candidate is selected, it is mandatory for him/her to present the admit card at the time of verification of

original certificates of educational qualifications. Though the petitioner contends that he was not given upper portion of the admit card at the time of examination and it was retained by the Examining Authority, the petitioner has not placed any material on record to show that the petitioner had objected in the matter and/or had made any representation to the Appropriate Authority pointing out that he was not given upper portion of admit card at the time of examination. The learned Advocate for the Petitioner pointed out a representation made by the petitioner in the matter, however, the representation is dated 16/06/2015 i.e. after the name of the petitioner was deleted from the select list. As the admit card clarified that it is mandatory for the selected candidate to present admit card at the time of verification of original certificates of educational qualifications, the petitioner had knowledge about this requirement and the petitioner should have immediately made protest/representation in the matter. The respondent has pointed out that as per their procedure, candidates who have not produced original admit card at the time of verification of original certificates (Total 13 in number including the petitioner) their names are deleted. The petitioner has also not been able to explain the delay and the latches.

5 In the facts of the case, we see no reason to interfere in the matter. The petition is dismissed. In the circumstances, the parties to bear their own costs.

[Z. A. HAQ, J.]

[NARESH H. PATIL, J.]