

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4138 OF 2016.

(Shri Hemant Sadanandji Gawali .vs. The State of Maharashtra & others)

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

Court's or Judge's orders

Mr. A.B. Moon, Advocate for petitioner,
Mr. K.L. Dharmadhikari, A.G.P. for respondent nos. 1 & 2.
Mr. R.D. Khade, Advocate for respondent nos. 3 & 4.

CORAM : B.P. DHARMADHIKARI & ARUN D. UPADHYE, JJ.

DATED : SEPTEMBER 15, 2017.

1] After hearing the respective Counsel on 14.8.2017, we
had passed the following order :-

“Question is whether a degree-holder in a subject is still required to possess one year diploma course in Industrial Training qualification. The learned Counsel for petitioner submits that diploma course was for a candidate who has passed S.S.C. and, therefore, not necessary for a graduate holding B.Tech. Qualification.

One seat/post is already lying vacant as per orders of this Court.

The subsequent Government Resolutions suggesting modification to Recruitment Rules are produced on record. However, exact language in which the Rule has been worded after such amendment is not

available.

Hence, in order to understand the necessity of passing one year diploma course in Industrial Training emphasized by respondent nos. 1 to 3, we direct parties to make the complete amended Rule available for perusal.

List the petition on 28.8.2017.”

2] Mr. R.D. Khade, learned Advocate appearing for respondent nos. 3 & 4, states that an additional affidavit in furtherance of said order is already filed and that additional affidavit shows that the claim of petitioner has been erroneously overlooked. According to him, the directions and clarification in Government Circular dated 3.12.2015 were not within knowledge of respondent nos. 3 & 4 when recruitment process was undertaken. The copy of Circular has been received recently.

3] In the light of this additional affidavit filed on behalf of respondent nos. 3 & 4 on 14.9.2017, it is apparent that for the candidate like the petitioner who is B.Tech., it is not necessary to complete certificate course. It is, therefore, apparent that petitioner need not possess the certificate envisaged in Clause 1, i.e. certificate of completion of certificate course as Civil Engineering Assistant awarded by Industrial Training Institute.

4] The petitioner, therefore, was/is eligible and ought to have been considered by respondents.

5] As directed by this Court on 19.7.2016, one post is still

kept vacant.

6] In this situation, we direct the respondents to consider the claim of petitioner for grant of employment against that post within four weeks from today.

7] With these directions, we partly allow the Writ Petition and dispose it of. No costs.

Judge

Judge

J.