

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

4 WRIT PETITION NO.1005 OF 2016

ATUL ANILRAO PATIL

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANR

..RESPONDENTS

...

Mr. Kshitij Surve, Advocate for the Petitioner.

Mr. S. P. Tiwari, AGP for Respondent-State.

...

**CORAM : S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATED : 11th DECEMBER, 2018.

PER COURT:-

1. Mr. Surve, learned counsel for the petitioner submits that pursuant to the advertisement issued by respondent no.2 on 08.04.2011, the petitioner applied for the post of Registrar, Vocational Education and Training Directorate, Maharashtra Educational Service, Group-B (Non Technical). The application of the petitioner was processed and was also shortlisted. However, the petitioner was not called for the interview on the ground that the petitioner does not possess the necessary experience. The learned counsel submits that the petitioner possesses the experience of Laboratory Assistant of 13 years. The same is necessary experience. The petitioner also possesses a degree. The petitioner has worked as

Laboratory Assistant at Puranmal Lahoti Government Polytechnic, Ausa Road, Latur. Nature of the work performed by the petitioner and the degree of the petitioner entitles the petitioner to be eligible for the said post. The act of the respondent in holding the petitioner ineligible on the ground of experience is erroneous.

2. The learned counsel for the petitioner relies on the judgment of the Apex Court in a case of **Secretary, A.P.P.S.C. Vs. Y.V.V.R. Srinivasulu** reported in **2003 CJ (SC) 962** to contend that the preference would only mean that other things being qualitatively and quantitatively equal, those with the additional qualification have to be preferred.

3. The said judgment may not inure to the benefit of the petitioner. In the present case the preference is given to the persons who possessed experience in supervisory category and naturally the experience of the petitioner cannot be said to be in supervisory category.

4. The learned A.G.P. submits that the experience held by the petitioner was not in a supervisory capacity, as such he was ineligible. There were large number of candidates that had applied for the post.

5. The requisite educational qualification and the experience is provided under Clause 4.3 of

the advertisement, the same reads thus:

"(i) Possess a degree at least in second class or a post graduate degree and thereafter,

(ii) Possess experience preferably in supervisory capacity for not less than five years in a Government office or an Educational Institution."

6. The petitioner was working as Laboratory Assistant. The post for which the applications are invited is a post of Registrar. The post of Registrar is an administrative post having a supervisory control. Preference is given to those who possessed experience in supervisory capacity. Certainly the experience of the petitioner as Laboratory Assistant may not qualify for the same. It has been said that 14 candidates were shortlisted and were considered for interview. Those candidates who are appointed are not before this Court. The affidavit is filed that large number of applications were received having requisite experience and qualification.

7. In light of the above, Tribunal has not committed any error. Writ Petition is disposed of. No costs.

(R. G. AVACHAT)
JUDGE

(S. V. GANGAPURWALA)
JUDGE