

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

WRIT PETITION NO. 718 OF 2012

Pralhad Pandharinath Patil .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pralhad D. Bachate, Advocate for the Petitioner.
Mrs. A. V. Gondhalekar, A.G.P. for the Respondent No. 1.
Shri V. S. Bedre, Advocate for the Respondent No. 3.
Shri S. B. Deshpande, Advocate for the Respondent No. 5.
The respondent No. 4 is served.

**CORAM : S. V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATE : 20TH JUNE, 2018.

FINAL ORDER :

. Mr. Bachate, the learned advocate for the petitioner submits that, the petitioner has participated in the selection process for the post of Assistant Fire Officer pursuant to the advertisement issued by the respondent No. 3. The respondent No. 3 selected the respondent No. 4 for the said post. According to the learned counsel, the respondent No. 4 did not possess license of driving heavy motor vehicle. According to the learned counsel, even the respondent No. 4 was not qualified and did not possess the necessary certificate of Assistant Fire Officer from a

Government recognized institution. The respondent No. 4 possess the certificate issued by All India Institute of Local Self Government, which is not recognized by the Government. The said certificate is also not in consonance with the rules and the advertisement. The petitioner has alleged malafides against the authorities. The selection process has not been held in free and fair manner. The Court may direct reexamination of examination papers.

2. Affidavit in reply is filed by the Director of Maharashtra Fire Services. In the affidavit in reply it has been categorically stated that, the State Government has not recognized the training course of All India Institute of Local Self Government and the qualification acquired through this Course are not recognized for the purpose of recruitment in the Fire Services of Urban Local Bodies and Special Planning Authorities.

3. In view of that, the certificate possessed by the respondent No. 4 was not in consonance with the advertisement and the rules.

4. As the respondent No. 4 lacked the basic eligibility criteria, the selection of the respondent No. 4 was improper and not in consonance with the advertisement and the rules. The said

selection stands set aside.

5. It is now submitted that, the respondent No. 4 is not in service with the respondent No. 3 since 2013. In view of that no further orders are required to be passed. The writ petition is disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 18