

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

WRIT PETITION NO. 2771 OF 2018

Pradeep Hanumant Sakhare .. Petitioner

Versus

The Union of India and another .. Respondents

Shri Madhav M. Bhokarikar, Advocate for the Petitioner.
Shri S. B. Deshpande, A.S.G. for Respondent Nos. 1 and 2.

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

DATE : 28TH JUNE, 2018.

FINAL ORDER :

. Mr. Bhokarikar, the learned counsel for the petitioner submits that, the respondents did not abide by the terms and conditions mentioned in the advertisement while conducting the skill test. According to the learned counsel, as per the advertisement the candidate was required to have proficiency and experience in driving petrol and diesel vehicle, but the petitioner was required to drive CNG vehicle. It is not contemplated in the advertisement. The respondents cannot deviate from the terms and conditions incorporated in the advertisement. The learned counsel relies on the judgment of the Apex Court in a case of Bedanga Talukdar Vs.

Saifudullah Khan and others reported in **2012 SC 1803**.

2. Mr. Deshpande, the learned Assistant Solicitor General for respondents submits that, the petitioner participated in the skill test on 11th December, 2017 and after having failed is challenging the selection process. The same is not permissible. The advertisement nowhere mentions that the skill test will be undertaken on petrol and diesel vehicle.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The advertisement provides that a person should have experience of driving light and heavy vehicle. It further provides that the candidate should have knowledge of repairing petrol and diesel vehicle. It is nowhere pointed out that the advertisement contemplated proficiency/skill test upon petrol/diesel vehicle only.

5. Even otherwise the petitioner has participated in the selection process and after having failed in the selection process is assailing the same. It is trite that a candidate if participated in the selection process and having failed is not entitled to challenge the selection process.

6. The judgment in the case of **Bedanga Talukdar Vs.**

Saifudullah Khan and others (supra) would not inure to the benefit of the petitioner. In the case before the Apex Court, the High Court relaxed the condition with regard to submission of disability certificate and it was held that, the selection procedure stipulated in the advertisement could not have been deviated and was required to be scrupulously followed.

7. In the present case, there is nothing to show that the respondents deviated from any terms and conditions stipulated pursuance to the advertisement in conduct of selection process. Moreover, the petitioner had participated in the selection process without any demur, now cannot be allowed to turn around and assail the same.

8. In the light of the above, the writ petition is dismissed. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]