

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

Writ Petition No. 3345 of 2013

Rajendra s/o Dnyanoba Rokade. .. **Petitioner.**

Versus

The State of Maharashtra
And Others. .. **Respondents.**

Shri. S.B. Talekar, Advocate, for petitioner.

Shri. R.V. Dasalkar, Assistant Government Pleader, for
respondent No.1.

Shri. S.S. Thombre, Advocate, for respondent No.2.

Miss Salunke, Advocate, holding for Shri. V.D. Salunke,
Advocate for respondent Nos.3 and 4.

Shri. Arun Lomte, Advocate, for respondent No.5.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 8 MARCH 2018

ORDER:

1) The petition is filed for setting aside the recruitment process of the post which was reserved for Scheduled Caste category and which was advertised on 30-8-2012. Both the sides are heard.

2) The submissions made show that present petitioner was working with respondent-institution as Class IV employee, peon, for the period of about 7 years. Respondent No.4 was also working as Peon for about 5 years. The petitioner had applied for the post which was advertised for Scheduled Caste category and there were three posts. In view of the nature of grievance of the petitioner this Court had directed the management to produce the record of the selection process. The record is produced and it shows that the committee was constituted for selection process and the committee unanimously recommended three candidates who had secured more marks than the present petitioner. Present petitioner secured 11.67 marks when all the selected candidates secured more marks like 12.33, 13.33 and 13. The grievance of the petitioner which was raised again in the argument is that he was having more experience, he was working for about 7 years so he ought to have been selected. The relief cannot be given on the basis of such submission and circumstances. When the petitioner faced selection process he could not have raised such kind of grievance. He secured less marks and so he was not

selected. On this point learned counsel for the respondent management placed reliance on some observations made in the case reported as **AIR 2000 SC 1058 (Suneeta Aggarwal v. state of Haryana)**. The Apex Court has observed that when the petitioner himself had taken chance by participating in the process, he could not be allowed to challenge that process and discretionary relief cannot be granted in such case. This Court holds that there is no merit in the present case. The petition stands dismissed.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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