

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4734 OF 2017

Shankar Lahanu More	..	<u>Petitioner</u>
Versus		
The State of Maharashtra and others	..	<u>Respondents</u>

Shri Santosh S. Jadhavar, Advocate for the Petitioner.

Shri N. T. Bhagat, A.G.P. for Respondent Nos. 1 and 2.

Shri Vijay Sharma, Advocate for Respondent No. 3.

CORAM: S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.

DATE: 7th August, 2018

PER COURT :

1. Mr. Jadhavar, learned counsel for the petitioner submits that pursuant to the advertisement the petitioner had applied for the post of 'Parichar' (Group – D) from sportsmen category. The petitioner submitted his certificate of having stood second in Tug of war competition. The said certificate of the petitioner was invalidated on 15.09.2015. The petitioner filed an appeal. The appeal was subsequently dismissed and

thereafter the petitioner submitted the second certificate of having stood third in Softball competition on 10.08.2016. The learned counsel submits that there was a policy of the State to even consider the second certificate submitted. In view of that policy, the petitioner has submitted the second certificate. The Collector also directed the Chief Executive Officer to consider the second certificate submitted by the petitioner. The Chief Executive Officer on erroneous ground that the select list is valid only for one year has rejected the same. The learned counsel submits that, still the post is vacant from sportsmen category. The delay in submitting the second certificate cannot be attributed to the petitioner. It is only after the petitioner's first certificate was invalidated, petitioner got a cause to submit the second certificate. Till then the first certificate submitted by the petitioner was under consideration. According to the learned counsel,

as the post is still vacant, the respondent be directed to consider the second certificate submitted by the petitioner of having stood third in Softball competition.

2. Mr. Sharma, learned counsel for respondent no. 3 - Zilla Parishad, submits that the select list is valid only for one year and on lapse of one year the select list also lapses and cannot be operated.

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

4. The selection process was of the year - 2013. The petitioner had submitted his sports certificate of having stood second in Tug of War competition. The said certificate was invalidated on 15.09.2015. The second certificate was submitted by the petitioner of having participated in Softball competition and stood third on 10.08.2016 i.e. almost three years after the selection process was initiated. The select list

was prepared in the year - 2013 is not disputed. The normal life of a select list is of one year subject to certain exceptions.

5. In the present case, no such exceptions existed. The select list cannot be operated in perpetuity. We could have considered the case of the petitioner if the second certificate had been submitted well within the time. However, considering the fact that the second certificate is submitted almost after three years of the preparation of the select list and now more than five years have lapsed since the selection process, the request made by the petitioner cannot be considered.

6. Writ Petition, as such, is disposed of. No costs.

[SUNIL K. KOTWAL, J.] [S. V. GANGAPURWALA, J.]

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