

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

WRIT PETITION NO. 4206 OF 2018

Ashish Santram Jondhale

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Prasad Jarare, Advocate h/f Shri S. S. Thombre, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 and 2.

Shri V. D. Patnurkar, Advocate for the Respondent No. 3.

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

DATE : 28TH JUNE, 2018.

FINAL ORDER :

. Heard the learned counsel for the petitioner, Mr. Patnurkar, the learned counsel for the respondent No. 3 and the learned Additional Government Pleader for respondent Nos. 1 and 2.

2. It is submitted that, the interviews are fixed tomorrow that is on 29.06.2018. In 2011 the respondent No. 3 had published the selection list. The petitioner was found eligible. The affidavit filed by the respondent No. 3 suggests that in the year 2011 when the list was published, the petitioner was unmarried and the

condition regarding submission of certificate of small family was not required and he was eligible for the post of Junior Research Assistant, as such his name was listed and published in the year 2012. The learned counsel submits that, after five years the same list was published, wherein the petitioner was shown eligible, but while preparing the final list the respondent No. 3 considering circular dated 28.03.2005 has held that, it is binding on every candidate to submit certificate of small family and as petitioner had not submitted certificate of small family his name did not find place in the final list. According to the learned counsel, even the candidates at Sr. No. 2, 5, 11, 18, 20, 33, 60 and 62 had not submitted certificate of small family and, therefore, all these candidates are declared ineligible candidates. The petitioner stands on the same pedestal.

3. The learned counsel for the petitioner submits that, the petitioner is still unmarried.

4. On affidavit it has been stated by the respondent No. 3 that, as the petitioner was unmarried in 2011, the certificate of small family was not warranted and as such his name appeared in the final list. According to the petitioner same position exists today. The petitioner is still unmarried and so question of small family of the petitioner does not arise.

5. Considering the above, if there is no other impediment, the respondent No. 3 shall call the petitioner for interview to be held on 29.06.2018 and shall interview the petitioner and consider him for further selection process. The writ petition accordingly disposed of. No costs.

6. Mr. Patnurkar, the learned advocate for the respondent No. 3 shall intimate the respondent No. 3 about this order.

7. The parties to act on authenticate copy.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 18