

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

56 WRIT PETITION NO. 6415 OF 2015

YOGESH PRABHAKAR VARADE
VERSUS
MAHARASHTRA STATE POWER GENERATION COMPANY MUMBAI
AND ANOTHER

...

Advocate for Petitioner : Mr. Naseem R. Shaikh
Advocate for Respondents 1 and 2 : Mr. Gaikwad Anil M.

...

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

DATE : JUNE 27, 2018

O R D E R :

Mr. Shaikh, learned counsel for the petitioner submits that pursuant to the advertisement, the petitioner had applied for the post of Technician-3 from VJ sports category. The qualification of the petitioner is certificate course in Industrial Training in Mechanics (Electronic). The name of the petitioner appeared in the select list at Sr. No.43, however, in the final selection, a candidate lower than the petitioner and who was in the wait list has been appointed.

2. Learned counsel for the petitioner submits that same is discriminatory and does not stand to any reason.

3. Mr. Gaikwad, learned counsel submits that cut off marks for O.B.C. category was 41 marks. The petitioner had secured 31 marks, however, as the petitioner had claimed benefit of horizontal reservation (Sports category) the petitioner was considered. The sports certificate of the petitioner was invalidated, as such the candidate next to the petitioner was considered.

4. Mr. Shaikh, learned counsel submits the petitioner was never issued notice by the office of the Director of Sports and the order is behind back of the petitioner. The principles of natural justice were not followed.

5. We have considered the submissions. The affidavit is filed by the respondent to the effect that the sports certificate of the petitioner has not been held valid for giving the benefit of horizontal reservation from sports category. The reasons given in the order by

the Director of Sports is that the sports conducted by Industrial Training Institute is not included in the notification.

6. As the petitioner's certificate is invalidated, certainly the petitioner could not have been considered for horizontal reservation and as far as vertical reservation from O.B.C. is concerned, the petitioner has received marks less than the cut off marks. In the light of above, the grievance put forth by the petitioner cannot be considered.

7. Writ Petition is disposed of. No costs.

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

dbm