

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

Writ Petition No. 5134 of 2013

Varsha Hariharrao Chondekar. .. **Petitioner.**

Versus

The State of Maharashtra & Ors. .. **Respondents.**

Shri. G.N. Chincholkar, Advocate, for petitioner.

Shri. M.M. Nerlikar, Assistant Government Pleader, for respondent No.1.

Shri. N.S. Kadam, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

Date: 3 APRIL 2018

ORDER (Per T.V. Nalawade, J.):

1) The petition is filed under Article 226 of the Constitution of India for issuing direction to the respondents to select the petitioner for the post of Supervisor as per the recruitment process which was conducted by the respondents for the said post. Both the sides are heard.

2) Respondent No.1 - State Government had published advertisement on 17-4-2013 for recruitment of two posts of Supervisor (Women) which were reserved for OBC women category. The petitioner filed application for these posts. She was kept on wait list at Sr. No.3 when there were two posts.

3) It is the case of the petitioner that she was entitled to get 3 marks on the basis of her experience in service and as those marks are not given to her, her marks are shown less than the marks secured by the selected candidates.

4) There was written test of 200 marks and oral test of 25 marks. The petitioner secured 145 marks in written test and 18 marks in the interview. The candidate at Sr. No.1 who was selected secured 166.50 marks and the candidate at Sr. No.2 secured 165.50 marks. The total marks of the present petitioner were 163. To ascertain as to whether the petitioner was entitled to get 3 additional marks this Court gave direction to the respondents to produce the record in respect of the selection process and

particularly in respect of distribution of 25 marks which were kept for interview. The record shows that the selection committee consisted of the Collector, the Chief Executive Officer, Zilla Parishad and other members. The record shows that the Committee had decided to give marks if the candidate had experience of work in Government Department or local body. Admittedly, present petitioner was not working in Government Department or local body and she was working in a private institution. Thus, there is no force in the contention of the petitioner that she was entitled to get three more marks. The record shows that on the basis of the subject of Degree course she was given additional marks. When the first two candidates had secured more marks than the petitioner in written test, they were given 11.50 and 13 marks respectively in the interview. 18 marks were given to the petitioner in the oral interview. This circumstance is sufficient to show that everything was done fairly by the interview committee and the petitioner got maximum marks in the interview. This Court has carefully gone through the advertisement for ascertaining the eligibility conditions mentioned in the

advertisement. The interview was conducted as per the advertisement and it can be said that unnecessarily more marks were given to the petitioner for the subject which she was having in Degree course when she could have been preferred only for having such subject if the other candidate had secured marks equal to her. Thus, there are no merits in the proceeding. The petition stands dismissed.

Sd/-
(SUNIL K. KOTWAL, J.)

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

rs1