

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8169 OF 2017

Rajendra Ramnath Tidake	.. <u>Petitioner</u>
Versus	
The Union of India and others	.. <u>Respondents</u>

WITH

WRIT PETITION NO. 8175 OF 2017

Yogesh Namdeo Kasal	.. <u>Petitioner</u>
Versus	
The Union of India and others	.. <u>Respondents</u>

Shri Amol B. Chalak, Advocate for the Petitioners.
Shri Ajay G. Talhar, Advocate for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 21st February, 2018

PER COURT :

1. The petitioners assail the communications issued by the respondent thereby cancelling the candidature of the petitioners for selection of Constables (GD) in the year – 2015.

2. Mr. Chalak, learned advocate submits that pursuant to the advertisement, the petitioners had applied for the posts of

Constables (G.D.). The petitioners had passed the physical PST/PET and thereafter qualified for written examination. The petitioners have given the written examination. The impugned communications are issued by the respondent cancelling their candidatures on the ground of non submission of Maratha certificate. Unless and until the petitioners submit that certificates, they are not entitled to undergo PST/PET nor could have been called for the written examination. The learned advocate submits that the certificate is issued to the petitioner of Maratha caste on 27.4.2015 in Writ Petition No. 8169 of 2017 and to the petitioner in Writ Petition No. 8175 of 2017 on 12.02.2013 . The certificates were submitted in time.

3. Mr. Talhar, learned advocate for the respondents submits that the petitioners had not submitted the Maratha certificate as such their candidatures could not have been considered. The height of the petitioners is only 165 Cms. The petitioners could have been eligible had they produced the Maratha certificate. The petitioners had suppressed the fact that they have not produced the said certificates. The petitioners were only

provisionally considered as per their representations.

4. We have considered the submissions.

5. The certificate is issued to the petitioner being Maratha on 27.4.2015 in Writ Petition No. 8169 of 2017 and to the petitioner in Writ Petition No. 8175 of 2017 on 12.02.2013. The advertisement states that only candidates qualifying in Physical Standard Test and Physical Examination Test will be called for the written examination. In the physical test the petitioners were held to be qualified as would be clear from the endorsements made on the forms for Physical Efficiency Test and Physical Standard Test for Constables (GD). The petitioners are held to be qualified measuring 165 Cms. The certificates of the petitioners being Maratha is also prior to the date of the PST/PET being conducted.

6. The case put forth by the petitioners appears to be probable. If the petitioners would not have produced the Maratha certificates at the time of PST/PET, then the petitioners could not have been declared as qualified and only those persons

who are declared as qualified in PST/PET are called for written examination. The petitioners were also called for written examination. Their does not appear any dispute that the petitioners belong to Maratha, having produced Maratha certificates.

7. Considering the aforesaid conspectus, the impugned communications are quashed and set aside. The respondent shall consider the candidatures of the petitioners on its own merits having submitted the Maratha certificate within the stipulated time. The said exercise shall be done by the respondent expeditiously and preferably within a period of three (3) months.

8. The writ petitions are disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

marathe