

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

912 WRIT PETITION NO. 497 OF 2013

ABASAHEB ANNASAHEB MORALE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Petitioner : Mr. P.L. Shahane
AGP for Respondent 1/State : Mr. R.V. Dasalkar
Advocate for Respondent 6 : Mr. V.C. Patil h/f. Mr. S.M. Godsay

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**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

DATED : February 28, 2018.

ORDER : [PER T.V. NALAWADE, J.]

1. The petition is filed under Articles 226, 14, 16 and 21 of Constitution of India, for giving directions to the Maharashtra State Power Generation Company, respondent to see that appointment is given to the petitioner on the post of Deputy Executive Engineer on the date on which other persons, who had appeared for the test conducted for making appointment are appointed. Both the sides are heard.

2. The petitioner was holding Diploma in Engineering (Mechanical) and he was appointed as the candidate of Nomadic Tribe (D) ['NT (D)' for short] category as Sub-Engineer. He was promoted to the post of Junior Engineer in the year 2006 and then

to the post of Assistant Engineer in the year 2009. He passed B.E. (Electronics) in the year 2010.

3. The respondent published advertisement for the post of Deputy Executive Engineer on 31.8.2010. Two posts were reserved for NT(D) category. The qualification prescribed was Degree in Electronics Engineering, which the petitioner was having. The eligibility condition contained one more condition like experience of not less than seven years in the field of Power Sector Industry, which was for graduate candidates and the experience was fixed as five years in case of post graduate candidates or candidates having additional Degree of Management/Administration.

4. The submissions made show that the petitioner passed the written test and he was also interviewed. He was not given appointment by giving reason that he was not having experience of seven years after getting the degree. It appears that though subsequently due to the dispute raised correction, clarification was issued showing that the experience mentioned in aforesaid advertisement ought to have been gained after completion of the degree, such experience was necessary. Admittedly, the petitioner completed degree course in the year 2010 and so, after that he had

not gained experience of seven years as advertisement was published in August 2010. The learned counsel for petitioner submitted that in the advertisement, there was no such specific condition given and so, he is entitled to get the aforesaid post. He submitted that as per his information, no candidate of NT(D) category was selected and on that ground also, he is entitled to get that post.

5. The aforesaid submissions made for the petitioner are not acceptable. If the conditions of eligibility mentioned in the advertisement are read properly, the conditions show that the degree candidates need to have experience of seven years and post degree candidates need to have experience of five years. The conditions need to be read as the experience expected was post degree experience and not the experience received when the candidate was having other, less educational qualification. Due to this single circumstance, no relief can be given to the petitioner. For the same reason, the contention of the petitioner that he ought to have been given post which was reserved for NT(D) category cannot be accepted. In the result, the petition stands dismissed.

[SUNIL K. KOTWAL, J.]
ssc/

[T.V. NALAWADE, J.]