

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

BENCH AT AURANGABAD.

WRIT PETITION NO.10443 OF 2017

Santosh S/o Damodhar Gaikwad ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.D.G.Kamble, advocate for the petitioner.
Mr.S.G.Karlekar, A.G.P. for the State.

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 12.02.2018.

PER COURT :

1. Mr.Kamble, learned advocate for the petitioner submits that the Respondents have not adhered to the Rules as prescribed under the Government Resolution dated 5.10.2015 while conducting the selection process. The written examination has to be conducted for 100 marks and

no marks are to be allotted for oral interview. In the present case the written examination was taken for only 30 marks and in a way the Respondent No.6 was benefited. The petitioner is physically handicap. The said aspect is also not considered by the authority. According to the learned counsel, the petitioner and Respondent No.6 secured the same marks. The petitioner ought to have been selected.

2. We have heard learned A.G.P. also.

3. The advertisement inviting applications for the post of Peon in the Grampanchayat Khamaswadi was issued on 1.5.2015 and 12.5.2015. The applications pursuant to the said advertisement were to be made till 26.5.2015. The Government Resolution dated 5.10.2015 can not be made applicable to the selection process commenced earlier. In the midst of the selection process, the Rules of selection can not be changed.

4. Moreover, the petitioner has

participated in the selection process. It is trite that once having participated in the selection process, the petitioner is not permitted to assail the selection process.

5. The petitioner and Respondent No.6 were possessing the same marks. The Respondent No.6 was possessing better and higher qualification, as such the Respondent No.6 was preferred. The same is legitimate as per the policy.

6. In light of the above, no case for interference is made out.

7. The Writ Petition is dismissed. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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