

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

WRIT PETITION NO. 10139 OF 2017

Raghunath Bharat Shinde

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri V. P. Golewar , Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for the Respondent No. 1.

Shri A. S. Bajaj, Advocate for Respondent Nos. 2 and 3.

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

DATE : 09TH APRIL, 2018.

FINAL ORDER :

. Mr. Golewar, the learned advocate for the petitioner submits that, pursuant to the advertisement No. 3/2015, the petitioner had applied for the post of Assistant Engineer. The petitioner was selected, however, is subsequently held to be ineligible on the ground that the petitioner does not possess degree. According to the learned counsel, the petitioner is in service candidate and the advertisement specifically provided that in service candidate possessing diploma can apply for the post of assistant engineer. The corrigendum relied by respondents is not published on the official web site. The learned advocate submits that, subsequently, the petitioner has also

completed the degree course on 16.06.2016 and is eligible. The learned counsel submits that, the petitioner had not given wrong information in the application and he had only stated that the petitioner has part time appeared B. E. (others). Same does not tantamount to wrong information.

2. Mr. Bajaj, the learned advocate for respondent Nos. 2 and 3 submits that, even recruitment rules does not permit a diploma holder to be appointed to the post of assistant engineer. The corrigendum was published on the official web site thereby clarifying the mistake about the advertisement with regard to the qualification to the post of assistant engineer.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. It is not the case of the petitioner that he is discriminated. The recruitment regulation provides that a person having degree in electrical engineering/electronics, instrumentation/computer/mechanical engineering/technology of university or institute can be appointed for the post of assistant engineer. It does not contemplate the person possessing diploma to be appointed on the said post.

5. Though initially advertisement prescribed in service

candidate possessing diploma to be eligible, however, corrigendum has been published to the effect that all in service candidates should also possess degree.

6. In view of that, no illegality has been committed. The writ petition as such is dismissed. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 18