

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

WRIT PETITION NO. 9190 OF 2013

Vinod Bhimrao Dalavi

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Chaitanya V. Dharurkar, Advocate for the Petitioner.

Shri A. V. Deshmukh, A.G.P. for the Respondent No. 1.

Shri S. S. Thombre, Advocate for Respondent Nos. 2 and 3.

Shri N. K. Kakade, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
S. M. GAVHANE, JJ.**

DATE : 10TH SEPTEMBER, 2018.

FINAL ORDER :

. Mr. Dharurkar, the learned counsel for the petitioner submits that, pursuance to an advertisement No. 86/2012, the petitioner had applied for the post of Stage Light Expert. The respondent No. 4 is selected. According to the learned counsel, the respondent No. 4 does not meet the experience criteria laid down in the advertisement for the post of Stage Light Expert. The certificate produced by the respondent No. 4 cannot be termed as a certificate in professional theater. The said certificate is issued by Natyseva Group, which provides infrastructure for conducting the drama on stage. Working with

the said Natyaseva Group cannot be said as an experience in professional theater in the field of stage light expert or experience of working with the professional theater.

2. Mr. Thombre, the learned advocate for the university submits that, all certificates were considered while appointing the respondent No. 4.

3. The learned counsel for the respondent No. 4 submits that, there are rules for Maharashtra State Drama Competition and the respondent No. 4 complies the rules and can be said to be engaged in professional theater. The respondent No. 4 is also awarded first prize of stage light competition held in 2010-2011.

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

5. The experience required for the post of stage light expert in the advertisement reads thus :

२५ रंगमंच प्रकाश (1) तज्ञ	M. Drama or B. Dram with Stage Craft specialization.
(Stage Light (2) Expert)	At least 3 years of experience in professional Theatre in the capacity of Stage Light Expert or Graduate of a Statutory University with at least 6 years experience of working with

		professional theatre (Lighting/Stage Draft)
९३०० ३४८०० रु. ४२००/-	- (3)	Proficiency in Marathi and English language
	(4)	Proficiency in Computer as prescribed by State Government from time to time.

6. Reading the said clause, it is manifest that a person to be qualified for appointment on the post of stage light expert has to possess atleast three years experience in professional theater in the capacity of stage light expert or graduate of statutory university with atleast six years experience in professional theater lighting/stage draft. The certificate produced on record before us does not specifically states that, the said Natyaseva Group, where the respondent No. 4 is claiming to have worked from 2002-2008 is engaged in professional theater or has an experience of working with professional theater (lighting/stage draft). Standing first in the individual competition is not akin, to having experience as required under the advertisement. The material placed before us is short to come to the conclusion about the required experience in the professional theater in the capacity of stage light expert or lighting/stage draft.

7. It appears that, the respondent No. 4 is appointed in the year 2013 and is working since then.

8. The petitioner's grievance is particularly with regard to the experience as claimed by the respondent No. 4. The respondent No. 4 also challenges the experience of the petitioner of having three years experience in a professional theater.

9. The university is not in a position to properly put forth as to how experience in professional theater has been considered on the basis of documents on record.

10. Considering the above, it would be appropriate for the selection committee to reconsider the documents of the respective parties so also consider the stand of the petitioner and the respondent No. 4 and take decision afresh with regard to the experience possessed by the respondent No. 4 qua experience provided in the advertisement for the post of stage light expert. The same shall be done within a period of three (03) months from today. The petitioner and the respondent No. 4 may present themselves before the Section Committee. The further decision shall be taken by the respondent No. 2 with regard to the appointment of the respondent No. 4, in consonance with the decision taken by the selection committee. The selection committee may also reconsider the documents and experience of other candidates who had participated in selection process of Stage Light Expert pursuant to advertisement in question, if they are so interested. The writ petition is disposed of. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

Bhalchandra
Sudhakar
Bodke

bsb/Sept. 18
Digitally signed
by Bhalchandra
Sudhakar Bodke
Date:
2018.09.12
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