

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

WRIT PETITION NO. 10263 OF 2018

**KAMLAKAR SOPANRAO HINGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.S.C.Yeramwar h/f. Mr. E.G. Irale, Advocate for the petitioner.

Mr.A.V.Deshmukh, AGP for respondent/State.

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

DATED : 11.10.2018

P.C. :-

1. The petitioner assails the order of the Tribunal thereby dismissing the original application filed by the petitioner. The petitioner has applied for the post of Talathi from horizontal reservation of part time employee. The petitioner is not considered on the ground that he has not worked for three years as a part time employee.

2. Mr. Yeramwar, learned Advocate for the petitioner submits that the appointment order dated 06.05.1999 issued to the petitioner is for the period of three years from May, 2009 to April, 2002. The certificate is also issued by the then Talathi, Sonpeth dated 18.06.2003 stating that the petitioner has worked from May, 1999 to April, 2002 on monthly honorarium of Rs.3000/-. The learned Advocate submits that the respondents only on the basis of register of payment are contending that the petitioner has not worked for entire 36 months and has worked for 33 months. According to learned Advocate the appointment order is nowhere disputed. The certificate has been issued by the Talathi. The letter is also issued by the Assistant Director, Skill Development dated 10.11.2015 that the petitioner is eligible to be considered for the post of Talathi from part time employees category. The Tribunal only on the ground that the signature on the certificate dated 18.06.2003 does not match, has negatived the claim of the petitioner. The register of payment is also not

maintained by the respondents properly.

3. The learned AGP supports the order and submits that the certificate dated 18.06.2003 has been found to be forged. The report of hand-writing expert has been called. The appointment order does not find place in the record of the respondents. The register of honorarium paid to the petitioner also clarifies that the petitioner has not worked for 36 months.

4. We have considered the submissions. The Tribunal has considered the contentions and has negatived the claim of the petitioner. The payment register depicts that the payment has been made to the petitioner for 33 months. The advertisement requires that the applicant should have worked in any Government Department for three years every month on honorarium. That would mean that the candidate would work for 36 months and every month in three years. The factual record has been gone into.

5. Considering the above, no case for interference is made out. The writ petition is disposed of. No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]