IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10651 OF 2017

Nitin s/o Popat Patil,
Age: 26 years, Occ: Nil,
R/o. Savalade, Post. Narvhal,
Tq. & Dist. Dhule. ..PETITIONER

VERSUS

1. The Union of India,
Through its Secretary
Department, Education &
Literacy Ministry of,
Human, Resources Development,
New Delhi.

2. The State of Maharashtra,
Through its the Secretary,
Education and Sports Department,
Mantralaya, Mumbai.

3. Kendriya Vidyalaya Sanghatan,
Through its the Commissioner,
18, Institutional Area,
Sahaheedjeet Singh Marg,
New Delhi-110016.

4. The Education Officer,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,Sahaheedjeet Singh
Marg, New Delhi-110016.

5. The Chairman,
University Grants Commission,
Bahadur Shah Zafarmarg,New Delhi.

6. The Yashwantrao Chavan
Maharashtra Open University,
Nashik, Through its
Registrar. ..RESPONDENTS

Mr K.N. Shermale, Advocate for petitioner;
Mr S.B. Deshpande, Assistant Solicitor General of India for respondent Nos. 1 & 5;
Mr C.S. Kulkarni, A.G.P. for respondent No.2;
Mr K.B. Choudhari, Advocate for respondent No.3;

CORAM : PRASANNA B. VARALE &
MANISH PITALE,JJ.

DATE : 10th OCTOBER, 2018

ORAL ORDER :

Heard learned Counsel appearing for the petitioner.

2. The petitioner is before this Court on the grievance that though the petitioner was possessing all requisite qualifications and submitted his claim for the post of trained graduate teachers from the O.B.C. category, by way of oral intimation, the petitioner was declared as disqualified.

3. Learned Counsel appearing for the petitioner, by inviting our attention to the documents placed on record and more particularly,

advertisement issued by Kendriya Vidyalaya Sangathan, New Delhi, copy of the same is placed on record at Exhibit-G, submitted that the petitioner was possessing essential qualification as per advertisement. Reference is made to the clause of qualifications and then sub clause of essential qualifications for the posts at Serial Nos. 1 to 6.

4. Learned Counsel appearing for the petitioner then submitted that the petitioner was possessing requisite qualification. As per Serial No.3, petitioner completed his degree with two subjects namely History and Political Science. Learned Counsel then submitted that the petitioner initially completed his D.Ed. Course and then was admitted to Yashwantrao Chavan Maharashtra Open University, Nashik for the degree course. He submits that the petitioner was directly admitted in the second year of B.A. and passed examination of S.Y.B.A. Copy of mark statement is annexed to the petition at Exhibit-B.

5. Learned Counsel appearing for the petitioner submits that the petitioner obtained more than 50% marks and his two papers in History subjects were Adhunik Bhartacha Itihas and Adhunik Jagacha Itihas. He further submits that the petitioner also cleared his final examination with more than 50% marks and consolidated statement of marks issued by North Maharashtra University, Jalgaon is also placed on record. He then submitted that the petitioner was treated qualified candidate under the certificate of Central Board of Secondary Education, Delhi and in response to selection, the petitioner was called upon to appear for interview. The copy of the said letter dated 10th May, 2017 is placed on record at Exhibit-J.

6. Learned Counsel appearing for the petitioner then submitted that the interview was scheduled on 24th May, 2017 at 10-30 a.m. When the petitioner approached the authority for appearing for interview, the authority without assigning any reason orally declared the petitioner disqualified.

The petitioner then by taking recourse to the provisions of Right to Information Act sought for information and as no satisfactory information was provided, the petitioner was constrained to approach this Court.

7. While opposing the petition, Mr. Choudhari, learned Counsel appearing for respondent No.3 though admitted that the petitioner who had admitted in the Open University in the second year and his admission is directly to the second year is not disputed but the petitioner misread the eligibility criteria of essential qualifications. He then submitted that admittedly the petitioner completed his B.A. degree with two subjects namely History and Political Science but the petitioner failed to read the document which clearly show that the important instructions referred to clause-2 sub clause (2) of clause (B) and same reads thus :

> " Geography/History should have been studied in all the years of graduation with at least 50% marks."

8. Mr. Choudhari, learned Counsel appearing for respondent No. 3 thus submits that admittedly the petitioner completed his graduation but History subject was only for two years namely his direct admission to second year in B.A. course and further studies for third year. He also invited our attention to the general instructions to the candidates in the advertisement. Instruction No.9 is relevant for our purpose and same reads thus :

> " **The KVS may take up the verification of eligibility of the candidate at any point of time prior to or after the completion of the selection process.** Even if Admit Card is issued to a candidate due to lack of information in the application form or otherwise and if it is found at any stage (including the date of joining % thereafter) that the candidate is not eligible, then his/her candidature shall be summarily rejected."

9. Affidavit in reply is filed on behalf of respondent No.6 through Mr. Prakash Panjabrao

Mankar in which he reiterates this fact situation, as submitted by Mr. Choudhari, learned Counsel.

10. Considering all these above referred aspects, we are of the opinion that the petition is meritless and deserves to be dismissed and same is accordingly dismissed.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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