

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 9656 OF 2013

Chandrakant s/o. Wamanrao More

....Petitioner.

Versus

Maharashtra State Road Transport
Corporation, Through Divisional
Controller, Nanded Division, Nanded.
and Anr.

....Respondents.

Mr. N.S. Kadam, Advocate for petitioner.

Mr. M.D. Shinde h/f. Mr. M.K. Goyanka, Advocate for respondent No.1.

Mr. R.V. Dasalkar, AGP for respondent No. 2/State.

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.
DATED : MARCH 6, 2018.**

ORDER : [PER T.V. NALAWADE, J.]

1. The petition is filed under Article 226 of Constitution of India for giving direction to respondent No. 1 Maharashtra State Road Transport Corporation ('MSRTC' for short) to issue appointment order in favour of petitioner on the post of Clerk-cum-Typist (Junior) from project affected person's category (Open). Both the sides are heard.

2. The respondent No. 1 MSRTC had published an advertisement on 7.8.2012 for inviting applications for filling posts of various categories including the post of Clerk-cum-Typist. The petitioner applied for the said post. According to the petitioner, there

were two posts for project affected persons and one of those two posts was for open category. It is contended that as he is project affected person from open category, he applied for the said post. The petitioner appeared for written examination held on 14.10.2012 and he got through that examination. He stood at Sr. No. (1) in the list of that category. The petitioner was then called for verification of documents on 16.5.2013. According to the petitioner, he completed MS-CIT course in 2013 and so, he showed that certificate. It is contended that he was not given appointment, but the candidates who had secured less marks than him were given appointments and so, the relief as prayed needs to be given.

3. Respondent No. 1 MSRTC has filed reply affidavit. It is the contention of the respondent that for the aforesaid post, it was necessary for the candidates to pass MS-CIT course or D.O.E.A.C.C. course or C.C.C. course. It is contended that even in the application, the petitioner had not mentioned that he had passed any of the aforesaid course and so, on 5.9.2012 when the application was made by the petitioner, he was not eligible even for consideration for the said post. It is contended that during verification of documents, it transpired that the petitioner completed the said course on 23.3.2013, much after the completion of aforesaid process and so, it was not possible to give appointment to him on the said post.

4. The learned counsel for the petitioner submitted that having aforesaid certificate of MS-CIT was additional qualification and not necessary qualification. This submission is not acceptable. This Court has carefully gone through the advertisement. There is specific mention in the advertisement that the candidate must have completed one of the aforesaid courses. It is not disputed by the petitioner that he was not holding any of the aforesaid certificates on the date of application and even up to the last date given for filing the application. The process of recruitment was completed in October 2012 and he passed the test in March 2013. On this point, the learned counsel for respondent placed reliance on the observations made by this Court in **Writ Petition No. 3988/2013 [Vinod s/o. Darbarsing Patil Vs. The Managing Director, MSRTC, Mumbai & Anr.]**. This petition was filed in respect of the same advertisement, and the petitioner of that case was not possessing necessary qualification, necessary certificates were not available with him and so, this Court held that those were the necessary eligibility condition for consideration. This Court holds that there are no merits in the present proceeding. In the result, the petition stands dismissed.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]