

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

**932 WRIT PETITION NO. 14171 OF 2017**

HRUSHIKESH BHAGWAN NAMNAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mrs. Puri Sujata L.

AGP for Respondents/State : Mr. S.M. Ganachari

Advocate for Respondents : Mr. Godsay Satish M. for R/2

...

**CORAM : PRASANNA B. VARALE &  
MANGESH S. PATIL, JJ.**

**DATE : 24.11.2018**

**PC. :-**

Heard the learned counsel for the petitioner.

2. It is the grievance of the petitioner that though the petitioner was complying the requisite qualifications and criteria for consideration for the post of Technician-III, the respondents and more particularly respondent no.2 has not considered the claim of the petitioner. On this backdrop, the prayers are made in the petition namely prayer clause 'b' and 'c'.

3. The learned counsel then submitted that in response to the advertisement the petitioner submitted the form by way of an online process. The necessary details were given in the application form and it is submitted before us by inviting our attention to the copy of the application submitted by

the petitioner and it was stated in the application that the petitioner is putting his claim as a candidate belonging to S.C. category. The learned counsel also place reliance on copy of certificate issued by the Sub-Divisional Officer placed on record at Exhibit-D. A notice was issued by this Court on 15.01.2018. In response to the notice, an affidavit in reply was filed on behalf of respondent no.2 through Mr. S.G. Dewoolkar, Assistant General Manager, (HR-RC), Maharashtra State Power Generation Company Limited.

4. Mr. Godsay, the learned counsel appearing for respondent no.2 submitted that the advertisement was issued on 02/02/2016 for the post of Technician-III (Non-Pragat Kushal) in S.C. category and the advertisement made it very clear that all the documents necessary ought to be submitted along with the application and thereafter there will be a scrutiny. The learned counsel Mr. Godsay then submitted that as a matter of fact the petitioner failed to submit any document to show the social status of the petitioner and particularly any caste certificate. Then, Mr. Godsay invited our attention to a document placed on record by the petitioner himself to submit that the petitioner admits that at the time of filing the application, the petitioner failed to submit any document showing his social status. Our attention was invited to the copy of application placed on record dated 11.05.2017. The petitioner states in the application that he has forwarded his caste certificate for verification and scrutiny to the Divisional Caste Scrutiny Committee, Latur on

30.12.2014 and in spite of the petitioner approaching the committee time and again, the committee failed to hand over the caste certificate to the petitioner. It is interesting to note that in the application a further statement is made that when the petitioner came to know that the petitioner is unable to produce a document showing his social status at the time of scrutiny, the petitioner then obtained a second certificate from the Sub-Divisional Officer and in the meantime his earlier certificate was obtained by one Shri Bhise Sir. It is stated in the application that at the time of scrutiny of documents the petitioner presented these two certificates before the officer of respondent no.2. Along with the petition a document is placed on record to submit that the petitioner lost his certificate in a travel.

5. Be that as it may, the facts emerging from perusal of the material and on the backdrop of submission of Mr. Godsay that at the time of filling up the application form the petitioner failed to submit any document to show social status of the petitioner, so as to submit it before the authority that the petitioner is a candidate belonging to S.C. category.

6. In view of these facts, we are unable to entertain the petition. The petition, thus, being meritless deserves to be dismissed and the same is accordingly dismissed. The learned counsel for the petitioner then submits before us that as per the instructions received by the counsel, the respondent

authorities indulged in an act of discriminatory treatment. The counsel then states that the petitioner be granted liberty to approach this Court raising the ground of discriminatory treatment. The petitioner is at liberty to approach this Court if the petitioner is raising the other ground namely discriminatory treatment given to the petitioner.

**[MANGESH S. PATIL, J.]**

**[PRASANNA B. VARALE, J.]**