

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

8 WRIT PETITION NO. 6300 OF 2018

MAHENDRA NILKANTH PARDESHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Choudhari N.L.

AGP for Respondents : Mr. A.P.Basarkar

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**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : JUNE 25, 2018

O R D E R :

Mr. Borulkar, learned counsel for the petitioner submits that the Tribunal committed an error in dismissing the Original Application of the petitioner.

2. The petitioner had applied for the post of Assistant Director, Town Planning Grade A. The petitioner belongs to VJ-A category. The posts from NTC category were to be filled in. Learned counsel submits that the said reservation is inter-changeable.

Even for the post meant for NTC category, candidates from VJ-A category are required to be considered. Those candidates selected have less marks than the petitioner. In the light of that, it was erroneous on the part of the respondents authorities to ignore the claim of the petitioner. Learned counsel submits that earlier in the year 2011 also the petitioner had applied from VJ-A category. The post was reserved for VJ-A category, however, person from NTC category was selected. This demonstrates that the reservation of VJ and NTC are inter-changeable. The Tribunal has committed an error in negating the case of the petitioner.

3. Mr. Basarkar, learned AGP supports the order.

4. It is not disputed that the post in question was reserved for NTC category. The petitioner belongs to VJ-A category. It has been observed by

the Tribunal that there are large number of suitable NTC candidates available and the claim of the petitioner from VJ-A category could not have been considered. There is no error on the part of the Tribunal in arriving at the conclusion.

5. The contention of the petitioner is that in the year 2011 though seat was reserved for VJ-A category, same was allotted to NTC category. It would appear from the affidavit filed in the earlier Original Application No. 177 of 2012 that due to non-availability of suitable candidate from VJ-A category, candidate from NTC category had to be selected.

6. The question would be of the suitability of the candidate for the post. If the candidates from VJ-A category were not found suitable, then the candidate from NTC category were considered in the earlier selection process of the year 2011. However,

in the present case, it has come on record that there are large number of suitable candidates from NTC category. In view of that, question does not arise for considering the candidate from VJ-A category for the post reserved for NTC category.

7. In the light of above, no case for interference.

8. Writ Petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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