

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

**WRIT PETITION NO.6940 OF 2017**

Sumaiyya Nasruddin Kazi.

Petitioner.

Versus

The State of Maharashtra and anr.

Respondents.

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Mr. M.B. Kolpe, Advocate for the petitioner.

Mr. A.P. Basarkar, A.G.P. for respondent No.1.

Mr. S.S. Tope, Advocate for respondent No.2.

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

Dated : **21<sup>st</sup> June, 2018.**

**ORDER :-**

Mr. Kolpe, learned Counsel for the petitioner submits that in pursuant to the advertisement, the petitioner had applied for the post of 'Junior Assistant-cum-Data Operator'. The petitioner had applied from open category. According to the learned Counsel, the petitioner was also selected and name of the petitioner appeared in the select list, however, appointment order is not issued. Learned Counsel submits that as on the date the application was filed, the petitioner was appearing for 6<sup>th</sup> Semester examination of B.A. and

had passed B.A. in First Division in June-2012. The petitioner is not considered only on the ground that the petitioner did not possess the Graduate Degree. According to the learned Counsel, respondent considered the case of one Smt. Jignyasa Ramesh Dandge, who had not secured Second Division in her Graduate examination, still was given opportunity of improvement and after one year said Smt. Dandge made improvement and appointment order is given to her.

2. Mr. Tope, learned Counsel submits that the petitioner had given wrong information in the application. In the application, the petitioner said that she has completed her B.A. in the year 2011, whereas when the application was filed, she had not even appeared for 6<sup>th</sup> Semester examination. Learned Counsel submits that the petitioner lacked the basic qualification. Selection process is completed in February 2014 and the petition is filed in the year 2017.

3. We have considered the submissions.

4. It is not disputed that the petitioner passed her Graduate examination (B.A.) in June-2012. The last date for filing the application was 31.03.2012. On the date on which the application was filed by the petitioner, the petitioner did not possess the basic qualification as per the advertisement. In view of that, case of the petitioner certainly cannot be considered. Even the persons, who are appointed, are not before this Court. In view of that, the case of

the petitioner cannot be considered.

5. The other submission of the petitioner that one Smt. Dandge was also not possessing the basic qualification, but she was given opportunity of improvement, would not enure to the benefit to the petitioner. The respondent-University may have committed illegality in considering the case of Smt. Dandge. Smt. Dandge possessed Graduate qualification, however, it was not in Second Division and subsequently it appears that improvement was made by her. In the present case, the petitioner did not possess Graduate qualification. Moreover, we cannot apply the rule of parity in case the University has committed illegality in other case.

6. In light of the above, Writ Petition stands disposed of.  
No costs.

**( SUNIL K. KOTWAL )**  
**JUDGE**

**( S.V. GANGAPURWALA )**  
**JUDGE**

vdd/