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

WRIT PETITION NO.12653 OF 2018

1. Soni Jijarao Jadhav,
Age: 23, Occ.: Nil,
R/o. L-1 11/6, Ramnagar,
Dist. Aurangabad
2. Nikita Kailas Darade,
Age: 21, Occ. Nil,
R/o. Vanjarwadi, Tq. Newasa,
Dist. Ahmednagar
3. Rohini Vishnu Dole,
Age: 23, Occ.: Nil,
R/o. Chinchpur, Tq. Pathardi,
Dist. Ahmednagar
4. Pooja Devidas Suslade,
Age: 25, Occ.: Nil,
R/o. Mondri, Tq. Pathardi,
Dist. Ahmednagar

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Law and Judiciary Department,
Mantralaya, Mumbai-32
2. The Registrar General,
The High Court of Judicature at Mumbai
3. The Principal District & Sessions Judge,
Aurangabad, Dist. Aurangabad
4. The Principal District & Sessions Judge,
Ahmednagar, Dist. Ahmednagar

..RESPONDENTS

Mr H. D. Deshmukh, Advocate for petitioners;
Mr S. Y. Mahajan, A.G.P. for respondent/State

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

DATE : 22nd November, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioners and learned A.G.P. for respondent No.1 State of Maharashtra.

2. With consent of the learned Counsel appearing for respective parties, the petition is taken up for final hearing/disposal.

3. The petitioners are before this Court by way of present petition with the prayers, namely, prayer clauses (B) and (C), which read thus:

"B] Issue writ of mandamus or any other appropriate writ order or directions in the like nature thereby, directing respondents to give opportunity to the petitioners by interviewing the petitioners to participate in the recruitment process for the post of Stenographer (Lower Grade) by issuing fresh approved selection list at par with other districts and for that purpose issue necessary orders.

C] Hold the petitioners as eligible for the posts of Stenographer (Lower Grade) as per the advertisement dated 28/03/2018 and include the names of petitioners on conducting the interview in the final approved selection list published by respondent No.3 and 4 dated 21/09/2018 and for that purpose issue necessary orders"

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4. The prayer clauses (D) and (E) are the interim prayers.

5. The sum and substance of the submission of learned Counsel for the petitioners is, the petitioners were complying the requisite eligibility criteria for staking their claim in response to the advertisement issued on 28th March, 2018 for the post of Stenographer (Lower Grade). It is submitted by learned counsel for the petitioners that initially in the screening test, the petitioners were selected and they were called upon for the interview. When the petitioners appeared for interview, it was informed to them that they are not possessing the requisite qualification and their candidature was turned down. It is further submitted by learned Counsel for the petitioners that while submitting the applications, the petitioners appeared for typing test to be conducted by the competent board or the institute. It was then submitted by learned Counsel for the petitioners that while submitting the applications, the petitioners appeared for examination but their results were declared on 2nd April, 2018 and though the petitioners were possessing the requisite criteria and more particularly having requisite typing speed, their candidature was turned down and this rejection is unsustainable.

6. On the backdrop of the submissions of the learned Counsel for the petitioners, learned Asstt. Govt. Pleader submitted that the advertisement issued clearly shows that the requisite eligibility criteria and the conditions

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and the advertisement makes it very clear that the select list and the waiting list of the candidates would include only such candidates, who are complying all the requisite eligibility criteria on 28th March, 2018.

7. On the backdrop of the submissions of learned Counsel appearing for the respective parties, we have gone through the material placed on record. In our opinion, though the submissions of learned Counsel for the petitioners look attractive at the first blush, considering the material placed on record, we find merit in the submission of learned Asstt. Govt. Pleader. Perusal of the copy of advertisement placed on record clearly shows that the advertisement opens with the words of complying the requisite eligibility criteria on 28th March, 2018 i.e. on the date when the advertisement was issued. Admittedly, the petitioners were not possessing any certificate to show that they are possessing the minimum typing speed. The certificates issued by the Maharashtra State Council of Examination, Pune on 2nd April, 2018. As such, the typing speed of the petitioners were assessed and certified on 2nd April, 2018 i.e. clearly after the date of the advertisement i.e. after 28th March, 2018.

8. Learned Asstt. Govt. Pleader was justified in making submission that the petitioners ought to have complied with all the requisite eligibility criteria while submitting their applications in response to the advertisement, on the date of advertisement i.e. on 28th March, 2018 and as the petitioners were not possessing the requisite eligibility criteria, no error is committed

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by the respondents in rejecting the claim of the present petitioners.

9. Considering the aforesaid facts, we find merit in the submission of learned Asstt. Govt. Pleader and we are unable to accept the submissions of learned Counsel for the petitioners. As such, there is no other scope open than dismissing the petition at the threshold being meritless. Accordingly, the writ petition is dismissed.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

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