

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

WRIT PETITION NO.13022 OF 2018

Ajit s/o. Bhimrao Navale,
Age : 26 years,
Occ. Service as Home Guard,
r/o. Pali, Tq. and Dist. Beed ..Petitioner

Vs.

The State of Maharashtra ..Respondent

Mr.S.P.Dhobale, Advocate for petitioner

Mr.S.G.Karlekar, AGP for respondents

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATE : NOVEMBER 28, 2018

PER COURT

The petitioner had filed Original Application before the Maharashtra Administrative Tribunal, Aurangabad, as it was held that the petitioner was not eligible to be considered for the post of Forest Guard.

2. Mr.Dhobale, learned Counsel for the petitioner, submits that the petitioner was selected for the post of Home Guard on 28.02.2013. From the

date of the selection, the petitioner completed three years service as Home Guard as on 19.10.2016. In view of that, it ought to have been held that the petitioner has completed requisite service as Home Guard and as such, was eligible for appointment to the post of Forest Guard. According to the learned Counsel, the Tribunal has failed to consider the said aspect. The application of the petitioner was accepted as the petitioner was complying all the necessary criteria of qualification and experience. It was also recommended from the Open Category. The advertisement did not prescribe the date upto which the experience as Home Guard was to be counted. He submits that the petitioner was eligible even from the date of issuance of the appointment order for the post of Home Guard, on the date of the interview for the post of Forest Guard.

3. Learned AGP accepts the notice of the respondents and supports the order passed by the Tribunal.

4. The petitioner was issued the appointment order as Home Guard on 23.01.2014. Therefore, he has completed three years service as Home Guard on 23.01.2017. If the advertisement does not prescribe the date or the period, upto which the experience is to be counted, the same will have to be counted as on the last date of filing of the application for the said post pursuant to the advertisement. The last date of filing the application pursuant to the advertisement for the post of Forest Guard is 19.10.2016, as observed by the Tribunal. Therefore, the petitioner was short of experience as Home Guard by three months.

5. In our view, the Tribunal has not committed any error while passing the impugned order. The Writ Petition is dismissed. No costs.

[R.G. AVACHAT, J.]

[S.V. GANGAPURWALA, J.]

kbp