

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

WRIT PETITION NO. 13687 OF 2017

Hemant S/o Purushottam Yeole

... Petitioner

VERSUS

The Managing Director of MSRTC Mumbai & Ors.... Respondents

.....

Mr Vijay Y. Patil, Advocate for the petitioner

Mr A. S. Shinde, AGP for respondent/State

.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 14TH MARCH, 2018.

ORDER:

1. Mr Patil, the learned counsel for the petitioner submits that, the selection process has not been properly conducted by the respondents. The petitioner had secured 70 marks. He was from apprentice category, still the petitioner is not selected. The persons who have secured less marks than the petitioner are selected from open competition category. To illustrate, the learned counsel submits that, the person at Sr. No. 22 – Rajendra Tayade though has got only 70 marks, is selected from open competition category. The petitioner has also got 70 marks but is left out.

2. We have heard learned counsel for the respondent and learned Assistant Government Pleader.

3. Rajendra Tayade is selected from Project Affected Persons Category as per the affidavit filed by the respondents. It has been clarified that another person Himmat Baviskar is also from open category, but from the horizontal reservation and Sports Category and though he has secured 58 marks is selected. The same is with regard to Mohammad Aslam Sayyed, who is selected from Sports Category and Mr. Gavande though from Open Category, is selected from Ex-Serviceman Category. These persons are selected on the basis of horizontal reservation. The petitioner is from general open competition category cannot be equated with these persons. It has been stated in the affidavit that, the last person selected from the general (trained candidate category) has secured 78 marks.

4. In light of the above, no case for interference is made out. Writ Petition is dismissed. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE