

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

42 WRIT PETITION NO. 13935 OF 2017

AMOL BHAGWAN KOVE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mrs. S.P. Mahajan
AGP for Respondent No. 1 : Mr. N.T. Bhagat
Adv. For respondent nos. 2 and 4 : Mr.Godsay Satish M.

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

DATE : JUNE 19, 2018

O R D E R :

The petitioner is disqualified in the selection process. Pursuant to the advertisement, the petitioner had applied for the post of Assistant Welfare Officer. The petitioner is disqualified on the ground that the petitioner did not possess registration as the Welfare Officer.

2. Mrs. Mahajan, learned counsel for the petitioner submits that one post is meant for S.T. category candidate. The petitioner belongs to S.T. category. The terms and conditions of the advertisement does not prescribe that on the date of application the petitioner should possess the registration of Welfare Officer. On the date of scrutiny of documents, petitioner's application was already pending with the concerned office for registration as Welfare Officer. On 1.6.2017, the application was already filed for registration as a Welfare Officer. The registration certificate is also issued to the petitioner in the month of December, 2017.

3. The learned counsel submits that still one post of Assistant Welfare Officer is vacant. The petitioner can be considered, as now the petitioner possesses the relevant document. Wait list operates for a period of one year.

4. Mr. S.M.Godsay, learned counsel submits that the advertisement itself mentioned the condition that the candidate applying for the post of Assistant Welfare Officer should have registration of Welfare Officer. The petitioner did not possess said certificate on the date of scrutiny of the documents.

5. We have considered the documents. The advertisement laid down the following condition :

" The candidate applying for the post of Asstt. Welfare Officer must have registration of Welfare Officer under Rule 3 of the Maharashtra Welfare Officer (Duties, Qualifications & Conditions of Service) Rules, 1966 vide Government Notification No. WOR/1567/111449/Lab III, dated 14.04.1974."

6. It would be clear that advertisement itself states that candidate applying for the post of Assistant Welfare Officer must have registration of Welfare Officer under Rule 3 of the Maharashtra

Welfare Officer (Duties, Qualifications & Conditions of Service) Rules, 1966. Admittedly, the petitioner did not possess said registration certificate on the last date of filing of the application. Petitioner had not even applied for registration as Welfare Officer under Rule 3. The application was made by the petitioner for the first time on 1.6.2017 i.e. after the last date of applying for the post of Assistant Welfare Officer.

7. The scrutiny of the application had taken place in August, 2017. Even, according to the petitioner, on the said date also the petitioner did not possess the registration certificate as Welfare Officer. The petitioner does not qualify the basic condition. In view of that the candidature of the petitioner certainly could not have been considered.

8. In view of the above, the case of the petitioner cannot be considered.

9. Writ petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.]

[S.V.GANGAPURWALA, J.]

mahajansb/