IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8490 OF 2018

Shri Anil Gopinath Gunaware .....Petitioner
versus
The Directorate of Municipal Administration and anr. ......Respondents

Aumkar V. Joshi, advocate for the petitioner.
Mr. A. I. Patel, AGP for the State.

CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.

DATE : 10th AUGUST, 2018.

P. C. :

Heard Mr. Joshi, learned counsel for the petitioner and Mr.Patel, learned AGP for the State.

2. The petitioner has approached this Court invoking jurisdiction under Article 226 of the Constitution of India to quash and set-aside the preliminary examination and its result conducted for the Maharashtra Municipal Auditor and Accountant (Class C) Grade C (only for Municipal Employees) and Maharashtra Municipal Taxation and Administrative Officer (Class C) Grade C (Only for Municipal Employees) only under the Maharashtra Municipal Services Recruitment Exam – 2018. In the alternative the petitioner has sought directions to the respondents to include the name of the petitioner in the list of eligible candidates for

main exam to be conducted in respect of Maharashtra Municipal Auditor and Accountant (Class C) Grade C (only for Municipal Employees) and Maharashtra Municipal Taxation and Administrative Officer (Class C) Grade C (Only for Municipal Employees) only under the Maharashtra Municipal Services Recruitment Exam – 2018.

3. The petitioner is working as peon in Baramati Municipal Council since 1996 and his educational qualifications are B.Com., LL.B.. Respondent No.1, by its advertisement dated 5th April, 2018, called for online applications for filling of various posts in (Class C) Grade A, B and C in Municipal Councils/Nagar Panchayats in the State under "Maharashtra Municipal Council Service. In pursuant of the said advertisement, the petitioner applied for the post of Municipal Auditor and Accountant (Class C) Grade C (only for Municipal Employees) and Municipal Taxation and Administrative Officer (Class C) Grade C (Only for Municipal Employees). It is the case of the petitioner that so far as the first post is concerned, there were 107 vacancies and, so far as the second post is concerned, there were 93 vacancies. The joint examination of the accountant was conducted on 23rd May, 2018 and the result was declared on 13th July, 2018 by respondent No.2. So far as the petitioner is concerned, he had secured 29.75 marks and, therefore, he was not eligible to appear for main examination.

4. It is not in dispute that as per the clause 7.2 of the advertisement for filling the said posts, the stipulated cut-off marks were 45%. Admittedly, there is also no dispute that the petitioner did not secure the stipulated cut-off marks and, therefore, he was not held eligible to appear for the main examination.

5. The learned counsel for the petitioner submitted that so far as first post is concerned, only 7 candidates have become successful whereas the total posts to be filled are 107 and so far as second post is concerned, only 16 candidates have become successful, whereas total 93 posts are to be filled and, therefore, the petitioner's case should be considered sympathetically. We are unable to accept the submission inasmuch as the petitioner has not secured minimum required cut-off marks.

6. In the above circumstances, we are not inclined to entertain the petition in exercise of jurisdiction conferred upon this Court under Article 226 of the Constitution of India. The writ petition is, accordingly, dismissed.

[SMT.ANUJA PRABHUDESSAI, J.] **[RANJIT MORE, J.]**