

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

1050 WRIT PETITION NO.1648 OF 2018

NARESH KASHINATH RAUT AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Narayan B. Narwade, Advocate for the
Petitioners.

Mr. S. M. Ganachari, AGP for Respondents-State.

...

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

DATED : 18th JANUARY, 2019.

PER COURT:-

1. Mr. Narwade, learned counsel for petitioners submits that pursuant to the advertisement issued by the respondent, petitioners applied for the post of Assistant Junior. The petitioner nos.1 and 3 had applied from Open Apprentice category and petitioner no.2 from OBC Apprentice category. The learned counsel submits that the advertisement very specifically referred that 50% posts would be reserved for Apprentice. The name of petitioners appeared in the provisional selection list. The petitioner no.1 secured 70 marks, so also petitioner nos.2 and 3 also secured good marks. When the final selection list is prepared, the name of petitioners did not find place. The petitioners are entitled for selection

in pursuance to the marks obtained by them. The learned counsel submits that the respondents have not maintained the reservation of 50% for Apprentice in Open category. There would be 66 posts for Apprentice category, but only 21 posts were shown. The same is illegal and against the terms of the advertisement itself. The learned counsel submits that the posts should have been kept according to the category of reservation.

2. Mr. Deshmukh, learned counsel for respondent no.3 submits that though 132 posts are meant for Open, 30% posts from the same were reserved for women and other horizontal reservation and thereafter, only 42 posts were for Open (general), out of that 21 posts are reserved for Apprentice.

3. We have considered the submissions canvassed by the respective parties.

4. The posts for Open were 132, out of that 40 seats were reserved for women, so also horizontal reservation are provided for other categories such as Ex-serviceman, Project Affected and so on. Out of 42 posts meant for Open General, 21 posts were reserved for Apprentice. However, on merit the last person in the selection list had secured 76 marks in Open category and the petitioner no.1 has secured 70 marks and other petitioners even less than that.

5. In light of the above, we did not find any case for interference. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/January-19