

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2648 OF 2019

Aadeep S/o. Baliram Sonkamble

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. A.R. Devakate, Advocate holding for
Mr. S.P. Telgote, Advocate for Petitioner
Mr. S.G. Karlekar, Assistant Government Pleader for
Respondents/State

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

DATE : 27th FEBRUARY, 2019

ORAL ORDER:

1. The petitioner assails the order of the Maharashtra Administrative Tribunal, Aurangabad. Mr. Devakate, the learned Counsel submits that the petitioner belongs to Scheduled Caste category. He had applied for the post of Police Patil of village Jakekur. The same was reserved for Other Backward Class category candidate. According to the learned Counsel, the application of the petitioner was not processed. The application of the petitioner was singular application for the said post. The learned Counsel relies on the Government Resolution dated 16th October, 2008, more particularly, clause (f) thereto.

2. Mr. Karlekar, the learned Assistant Government Pleader relies on clause 13 of the advertisement and submits that a person from that category only was expected to make the application.

3. The Tribunal has dismissed the O.A. on the ground that the post was reserved for O.B.C. candidate and the petitioner belongs to S.C. Category.

4. Clause (f) of the Government Resolution dated 16th October, 2008 cannot be read in a manner the petitioner intends to read. The post of Police Patil is to be filled in through nomination. The post to be filled in by nomination has to undergo the selection process and the competition. As the post was reserved for O.B.C. Category, the candidate belonging to other reserved class or the general class, certainly would not apply, more particularly in view of clause 13 of the advertisement. Clause 13 of the advertisement specifically provides that the candidate while filling in the application, shall confirm the reservation and then only shall fill in the application and the candidate belonging to other reserved class or general class should not apply.

5. In view of the said clause in the advertisement, the contention of the petitioner cannot be accepted.

6. The learned Assistant Government Pleader on instructions submits that fresh selection process shall be initiated for the post of Police Patil of village Jakekur

7. In light of the above, the Writ Petition is disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

mta