

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5512 OF 2014

ANAND SURESH PATIL

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

..RESPONDENTS

...

Advocate for Petitioners : Mr. Patil Milind

AGP for Respondents: Mr. M. M. Nerkar

...

CORAM :T.V. NALAWADE AND
SUNIL K. KOTWAL,JJ.

DATE : 3rd JANUARY, 2019

ORDER :-

The petition is filed for challenging the decision of Maharashtra Administrative Tribunal given in OA No. 750 of 2011. The said proceeding was filed by the present petitioner to challenge the decision of the Government by which some concession was given to the candidates who had appearing for screening test in response to the advertisement dated 05-04-2011. The Government reduced the minimum percentage from 45% to 35% as eligibility condition for going to the next stage. The learned counsel for the petitioner submitted that such change of rules during the process of selection process is not permissible. This point was considered by this Court in Writ Petition No.4448 of 2013 (Rahul Suresh Kasar and another Vs. The State of Maharashtra and another) on 14th August 2014. All the points raised in the present proceeding were considered by this Court, and this Court observed that there was nothing wrong in the decision taken by the

Government and that was not discriminating in nature. Only one candidate like the present applicant cannot be separately considered as he has more experience and on that ground he could not have been admitted for second stage. Initially the challenge was against the negative marking system and then to the new approach of the Government by which the eligibility condition was relaxed for the next stage. That was done for the benefit of the all and so it cannot be said that present petitioner is discriminated. In view of the decision already rendered by this Court which is quoted above, this Court holds that no relief can be granted in the present matter. Petition stands dismissed.

[SUNIL K. KOTWAL]
JUDGE

[T.V. NALAWADE]
JUDGE

YSK/