

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

WRIT PETITION NO.4314 OF 2010

Mahindra s/o Kashiram Sarkate ... PETITIONER

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

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Shri M.M. Nerlikar, A.G.P. for respondents No.1 and 2
Shri S.D. Joshi, Advocate holding for
Shri A.S. Deshpande, Advocate for respondent No.3

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**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE: 25th September, 2019

PER COURT :

1. We have gone through the pleadings as also the impugned order dated 7.4.2010, passed by the Maharashtra Administrative Tribunal. Six posts of Electrician were advertised to be filled in. Three were in the unreserved category. Three were reserved for members of Other Backward Class. Dispute relates to the experience certificate of the third respondent.

2. In the unreserved category, three candidates having obtained 62.37, 60.87 and 60.25 marks were placed at Sr.Nos.1, 2 and 3 respectively. The writ petitioner having obtained 57.87 marks was at Wait List No.1. The third respondent was at Sr.No.2 of the merit list having obtained 60.87 marks.

3. Eligibility required experience in the trade as an Electrician. Respondent No.3 produced a certificate dated 21.6.2005 purportedly issued under the signature of the Principal, Basweshwar Vocational (+2) Junior College, Kille Dharur, District Beed. The selection committee noted that the certificate needs to be got verified. Accordingly, the Joint Director, Technical Education, Aurangabad addressed a communication to the Principal, Basweshwar Vocational (+2) Junior College, Kille Dharur, District Beed seeking confirmation of the certificate dated 21.6.2005 bearing O.No.BVJC/05/2005. The letter sent bears dispatch No.VKA/Estt-3/2008/4466. Response received from the Principal of the College dated 10.10.2008 refers to it being to the letter dispatch No.VKA/Estt-3/2008/4466 and the certificate bearing O.No.BVJC/05/2005 and certifies that the certificate was indeed issued. This closes the chapter against the petitioner as has been opined by the Tribunal.

4. Second line of argument advanced was to consider the petitioner to be appointed as a result of one S.A. Gambhire being promoted.

5. The Tribunal has negated the same as well recognized principle of law is that appointments have to be restricted to the notified vacancies and not future vacancies.

6. Thus, the writ Petition is dismissed. Rule discharged.

(R.G. AVACHAT, J.)

CHIEF JUSTICE

fmp/-