

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 5203 OF 2010

Ramdas S/o Bapurao Kadtan

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. K.M. Nagarkar, Advocate for the petitioner.

Mr. S.Y. Mahajan, AGP for Respondents No. 1 to 3.

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

DATE: 25.09.2019

PER COURT :

1] Heard learned counsel for the parties.

2] For the post of Mill right Maintenance Mechanic, the petitioner and respondent No. 4 offered their candidature in the category of OBC candidates. Petitioner obtained 130 marks and respondent No. 4 obtained 131.375 marks. Petitioner filed Original Application No. 231/2009

pleading that the advertisement inviting applications required domicile certificate, OBC certificate, age certificate to be submitted along with the application. It was asserted that respondent No. 4 did not submit the age and domicile certificate.

3] Noting that respondent No. 4 was more meritorious than the petitioner, the Tribunal noted that even petitioner had not submitted the OBC certificate along with the application and like respondent No. 4, was permitted to produce the same at the time of interview. Respondent No. 4 produced the age and domicile certificate at the time of interview on 14.08.2008.

4] Suffice it to state that eligibility and proof of eligibility are different things. Eligibility is to be obtained by the date notified in the advertisement inviting applications and if no date is stipulated, by the last date by which the applications can be submitted.

5] The other grievance of the petitioner has not been dealt with by the

Tribunal that when the merit list was prepared name of respondent No. 4 was missing and the list was corrected later on. The answer is simple Humans make mistakes and can rectify the mistakes.

6] Writ petition is dismissed.

(R.G. AVACHAT, J.)

CHIEF JUSTICE

dyb