

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

**29 WRIT PETITION NO.5967 OF 2018**

SUNIL GANGARAM GAYAKWAD

..PETITIONER

VERSUS

THE DIVISIONAL CONTROLLER MSRTC DIVISIONAL OFFICE  
AURANGABAD AND OTHERS

..RESPONDENTS

...

Mr. Pandurang M. Gaikwad, Advocate for the  
Petitioner.

Mr. Y. G. Gujrathi, AGP for Respondents-State.

Ms. Ranjana D. Reddy, Advocate for Respondent No..

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

**DATED : 10<sup>th</sup> APRIL, 2019.**

**PER COURT:-**

1. Mr. Gaikwad, learned counsel for the petitioner submits that the petitioner had participated in the selection process for the post of Clerk-Typist conducted by the respondent from S.C. category. The petitioner was at serial no.2 in the selection list of candidates belonging to S.C. category. The case of the petitioner is not considered on the ground that all the educational documents are in the name of Taterao Gangaram Gayakwad and the petitioner had applied in the name of Sunil Gangaram Gayakwad. According to the learned counsel the petitioner had changed name in the year 2016 and the said change in name is notified in the Gazette published by the State Government in December 2016.

2. Ms. Reddy, learned counsel for the respondents submits that all the educational documents submitted by the petitioner are in the name of Taterao Gangaram Gayakwad and not in the name of Sunil Gangaram Gayakwad. The application was made in the name of the Sunil Gangaram Gayakwad. The petitioner has not taken any steps to correct the name. In view of that the candidature of the petitioner is not considered.

3. We have perused the documents filed on record. The question would be of the identity of the person. The copy of the Gazette issued by the State Government has been placed on record in which it is shown that the name of the person who was professing the name as Taterao Gangaram Gayakwad has been changed to Sunil Gangaram Gayakwad. The petitioner has the Aadhaar Card and PAN Card as per the changed name and all educational documents are in the name of Taterao Gangaram Gayakwad. There are old documents alongwith photographs. Prima facie it appears that the person named Taterao Gangaram Gayakwad and Sunil Gangaram Gayakwad is one and the same. However, the same will have to be verified by the authorities concerned.

4. The respondents may verify the documents and conclude about the identity of the person applying in the name of Sunil Gangaram Gayakwad to be the same as Taterao Gangaram Gayakwad and

thereafter consider him for the post on which the petitioner has applied and from the category from which he has applied. Of course, if the post is available.

5. The petitioner shall also file an undertaking/affidavit with respondent that Taterao Gangaram Gayakwad and Sunil Gangaram Gayakwad is one and the same person.

6. The respondent shall complete this exercise preferably within six (06) weeks.

7. If the petitioner is appointed then in the service book both names shall be recorded.

8. Writ Petition is disposed of. No costs.

**(A. M. DHAVAL)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**