

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

931 WRIT PETITION NO. 5973 OF 2014

Eknath Suryabhan Kadam.

Petitioner.

Versus

State of Maharashtra and others.

Respondents.

Mr. S.J. Salunke, Advocate for the petitioner.

Mr. S.N. Morampalle, A.G.P. for the State.

Mr. U.B. Bondar, Advocate for respondent Nos.2 to 4.

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

Dated : 21 February 2019.

ORDER :-

. The petition is filed for challenging the decision of respondent Maharashtra State Road Transport Corporation (M.S.R.T.C.) that petitioner was not eligible for getting appointment on the post of Junior Clerk-Typist. Both the sides are heard.

2. The submissions made and the record show that the advertisement was published by respondent M.S.R.T.C. For filling the posts of Clerk-Typist. The eligibility conditions were Degree

Certificate and Certificate of Authorised Institution of 30 w.p.m. of Marathi Typing and 40 w.p.m. of English Typing and also the Certificate of MS-CIT. The application was filled on-line and during verification it was noticed that the petitioner had not possessed the certificate test of Marathi Typing of 30 w.p.m. prior to 07.08.2012 which was the requirement as per the advertisement and he had also not passed MS-CIT examination.

3. Learned Counsel for the petitioner submitted that there were policy decisions of the State Government mentioned in Government Resolution dated 19.03.2003 and 06.05.1991 due to which it was permissible for the petitioner to pass both these tests after getting the appointment. So far as the Government Resolution of the year 1991 is concerned, it can be said that it was in respect of Marathi Typing Test and concession was given to the persons already appointed or who were to get appointment, to produce such certificate within four years after getting the appointment. In Government Resolution of the year 2003 it was made clear that the employees who had got appointment on 19.03.2003 or subsequently, they had time of two years to produce certificate of passing of MS-CIT or other examinations mentioned

in the Government Resolution. The advertisement now published shows that the policy is changed and on the date of the application it was necessary to have aforesaid two certificates and admittedly those two certificates were not with the petitioner as he had not passed those tests. In view of this circumstance it cannot be said that the respondent has committed error in holding that the petitioner was not eligible to get the post.

4. In the result, the petition stands dismissed.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

vdd/