

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

**WRIT PETITION NO. 14115 OF 2018**

**DEEPA DEVIDAS BHUJBAL  
VERSUS  
THE EXECUTIVE DIRECTOR (HR),  
MAHAGENCO, MUMBAI**

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Advocate for Petitioner : Mr. Thombre S. S.  
Advocate for Respondent / Sole : Mr. A. M. Gaikwad

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**CORAM: S. V. GANGAPURWALA &  
AVINASH G. GHAROTE, JJ.**

**DATE: 28<sup>th</sup> NOVEMBER, 2019**

**PER COURT:**

1. Mr. Thombre, learned counsel for the petitioner submits that pursuant to the advertisement, the petitioner had applied for the post of Deputy Executive Engineer (Civil). Two posts were reserved for women. The petitioner had applied from the post reserved for women. The name of the petitioner was at Serial No. 1 in the list of the candidates to be called for interview. The respondent / sole, so as to accommodate the male candidates has not selected the petitioner. The

respondent / sole has also not made clear the benchmark for the posts reserved for women. The separate benchmark was required to be kept for the reserved posts. According to the learned counsel, the respondent / sole be directed to place on record the marks obtained by all the candidates and the original record.

2. Mr. Gaikwad, learned Counsel for respondent / sole submits that the list prepared of all the candidates found eligible for interview is arranged in alphabetical manner and not as per marks obtained in written examination. The benchmark was 40%. The petitioner had secured 39.3%, as such, is not selected.

3. Upon perusal of the list of the candidates shortlisted for interview and the *affidavit-in-reply* filed, it appears that the said list is prepared alphabetically and not meritwise i.e. according the marks obtained in the written examination.

4. On affidavit the respondent has stated that the petitioner has secured 64.5 marks out of 180 marks in the written examination that comes to 32.25%, whereas she got 70.5 marks out of 100 marks in the interview that comes to 7.05 marks. Out of 100 marks the petitioner has secured total 39.3%. The petitioner falls short of minimum cut off marks prescribed i.e. 40%.

5. As the petitioner has not secured the minimum benchmark required as per the advertisement, the petitioner is not selected.

6. The grievance is that, none of the women candidate has been selected. It appears that upon the candidates obtaining the marks as per the benchmark can only be considered. We do not see any animus of the respondent / sole. The marks as obtained by the petitioner in written, interview are detailed in the *affidavit-in-reply*.

7. We cannot enter into a roving inquiry in the writ petition and call for details of each and every candidates.

8. In light of the above, as the petitioner has not secured the benchmark, it will not be possible to consider the grievance of the petitioner.

9. Writ Petition stands disposed of accordingly.

No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

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