

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12288 OF 2017

Sarika Shekhar Kamble

...Petitioner

Versus

The General Manager,
City Industrial Development
Corporation of Maharashtra & Ors.

...Respondents

Mr.V.V. Pai for the Petitioner.

Mr.Roop Basu i/b The Law Point for Respondent Nos.1 and 2.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 11th MARCH 2019

P.C.

1. Heard the learned counsel for the petitioner and respondent Nos.1 and 2.

2. The petitioner is challenging the appointment of the respondent No.3 on the post of Clerk-Typist in the establishments of respondent Nos.1 and 2.

3. The respondent Nos.1 and 2 published an advertisement for filling the post of Clerk-Typist. Out of 65 vacant

posts of clerk-typist only one post was reserved for Project Affected Persons from Scheduled Caste Category. Both the petitioner and respondent No.3 are from this category.

4. The respondent Nos.1 and 2 cleared the online examination in the month of May 2016. The minimum prescribed cut off marks were 45% and the person qualifying was thereafter short listed for verification of the documents. Apart from this, the petitioner and respondent No.3 and three other aspirants also appeared for examination. The petitioner secured 98 marks and respondent No.3 secured 105 marks. The marks of other three candidates were less than marks of petitioner No.1 and respondent No.3. The petitioner and respondent No.3 were thereafter put up in the select list and called for documents verification on 29.06.2016. The petitioner's documents came to be verified wherein she could not produce requisite documents like the certificate issued by the Maharashtra State Council of Examination for English Typing. The respondent No.3 on 29.07.2016 failed to complete formalities of the verification of the documents due to medical reason. However, he informed the respondent Nos.1 and 2 that due to medical reason he could not attend the office of the respondent No.2 on 29.07.2016 and he sought one more opportunity for document verification to

the respondent No.3. His application was allowed by the first and second respondent and this is how the documents of the respondent No.3 were verified.

5. Since the respondent No.3 was more meritorious than the petitioner, appointment order was issued in his favour on 04.11.2016 and since then he is working on the said post. The present petition is filed on 13.10.2017 after lapse of period of one year after selection of the respondent No.3.

In the above circumstances, we are not inclined to entertain this petition in exercise of writ jurisdiction under Article 226 of the Constitution of India. The same is devoid of any merit and substance and it is dismissed.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)