

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.138 of 2019

Sunita Komal Kumeriya

Versus

The State of Maharashtra, through Secretary, Revenue & Forest Department, Mantralaya,
Mumbai, and others.

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri A.A. Dhawas, Advocate for Petitioner.

Shri A.S. Fulzele, Additional Government Pleader for Respondent
Nos.1 and 2.

Coram : R.K. Deshpande & Vinay Joshi, JJ.

Dated : 14th January, 2019

Two objections were raised to the appointment of the respondent No.3 as Police Patil – (i) that she was not possessing the qualification of S.S.C., and (ii) that though she had written in the application as belonging to Scheduled Caste category, her selection was in the post reserved for Other Backward Class category.

Shri Dhawas, the learned counsel appearing for the petitioner, could not convince us on the question of lack of basic qualification of the respondent No.3 for the post. She possessed S.S.C. qualification, and in terms of the criteria prescribed in the advertisement, she was qualified. On the second aspect, the Tribunal has not considered the matter and has held in Para 6 of

its judgment as under :

“6. Considering all these circumstances on record and even if it is accepted that the respondent no.3 has committed some mistakes while fulfilling her form, the fact remains that the post advertised was reserved for OBC (female) and the respondent no.3 belongs to OBC and is female. The other undisputed fact is that the respondent no.3 has scored 74 marks out of 100, whereas, the applicant has scored 67 marks and therefore on merit also the claim of the respondent no.3 is valid. The respondent no.2 therefore has rightly appointed respondent no.3 for the post of Police Patil and I absolutely find no reason to interfere in the said appointment. ...”

In view of this, we do not find any substance in this petition. The petition is dismissed.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)