

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

94 WRIT PETITION NO.3602 OF 2019

MAHADU BHAVADU SOMASE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.Shrikrashna B. Solanke

AGP for Respondents/State : Smt.M.A.Deshpande

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**CORAM : S.V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE : 12/03/2020.

PER COURT :-

1. The petitioner had applied for the post of Multipurpose Health Worker pursuant to the advertisement dated 21/01/2016. The petitioner was called for interview. The petitioner was not issued with the appointment order on the ground that the petitioner did not produce the experience certificate. The petitioner has applied for the post of Multipurpose Health Workers. 50% post are reserved for Seasonal Health Workers. As the name of the petitioner is not considered on account of non production of experience certificate, the petitioner filed original application

before the Tribunal. The Tribunal dismissed the original application. Being aggrieved, the present petition is filed.

2. Mr.Solanke, the learned Advocate submits that the person issuing the experience certificate and the person conducting the interview was one and the same. The petitioner had applied for the experience certificate but the same was not issued. Even on the date of interview, the petitioner applied for issuance of experience certificate. However, same was issued on 05/07/2018. The learned Advocate submits that the petitioner alone cannot be faulted with.

3. The learned Additional Government Pleader submits that the production of experience certificate is mandatory. Admittedly, the petitioner did not produce the experience certificate. In light of that, no error is committed by the respondent and the Tribunal.

4. It appears that the petitioner also produced

the orders allotting him work, however, as experience certificate was not produced, the petitioner was not considered.

5. It is not disputed that the person issuing the experience certificate and conducting the interview was one and the same. It also appears that the petitioner filed an application for issuance of experience certificate but it was issued after 15 days. In light of that, it cannot be said that the petitioner alone was at fault. The petitioner now is age barred for the selection process.

6. In light of the above, we set-aside the impugned order passed by the Tribunal.

7. The respondent shall consider the petitioner for the post of Multipurpose Health Worker pursuant to the advertisement of the year 2016 and his candidature shall not be refused to be considered only on the ground that he did not produce the experience certificate. If the petitioner is otherwise found

eligible in all respects then the petitioner shall be considered for appointment to the post of Multipurpose Health Worker. The said exercise shall be done preferably within one month.

8. Accordingly, Writ Petition is disposed of.
No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE