

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

48 WRIT PETITION NO. 4111 OF 2020

**SHAIKH RIYAZ SHAIKH AHMED
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner :

**Mr. Amol Kakade h/f. Mr. Zia Ul Mustafa
AGP for Respondents/State: Mrs. V. N. Patil-Jadhav
Advocate for Respondent No. 2 : Mr. P. S. Dighe**

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

DATE: 17th MARCH, 2020

PER COURT:

1. The petitioner is challenging the advertisement, so also, the rejection of his candidature.

2. Mr. Kakade, learned counsel for the petitioner submits that the qualification prescribed in the advertisement is not in accordance with statute. For a Storekeeper, the degree in Law would be irrelevant. The learned counsel submits that the petitioner has an additional charge of Storekeeper with the

respondent / institution since October-2017. The petitioner possesses the necessary qualification.

3. The experience and qualification prescribed in the advertisement for the post of Storekeeper reads thus-

- "१. कला, वाणिज्य व विज्ञान किंवा कायद्यातील पदवी मान्यताप्राप्त विद्यपीठातून उत्तीर्ण केलेला असावा.
२. संस्थेतील किंवा मोठ्या उद्योगातील भांडारामध्ये कामकाजाचा किमान ०३ वर्षांचा अनुभव असावा.
३. टंकलेखनाची मराठी व इंग्रजी ३० व ४० शब्द प्रतिमिनिट परीक्षा उत्तीर्ण असावा.
४. हिंदी व मराठी भाषेचे ज्ञान आवश्यक.
५. एम.एस.सी.आय.टी. परीक्षा उत्तीर्ण असावा."

4. It is not that, as per the advertisement, the Storekeeper should possess the degree of Law. The candidate may possess Arts, Commerce or Science or Law degree, either of the degree was sufficient. The advertisement further prescribed three years experience as a Storekeeper with any institution or industry. Even if, the contention of the petitioner is accepted that the petitioner possesses the experience of Storekeeper from

October-2017, the same is not sufficient. The experience certificate produced by the petitioner is only for one year.

5. Considering the above, the petitioner did not possess the experience as per the advertisement.

6. The learned counsel for the petitioner further submits that the advertisement is contrary to the statute.

7. The petitioner possesses the qualification as prescribed in the advertisement. It is only on the count of experience, the petitioner has failed. Moreover, the petitioner has participated in the selection process. After having failed in the selection process the petitioner cannot be allowed to challenge the advertisement.

8. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]