

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

7 WRIT PETITION NO.4340 OF 2019

**JAGDISH RAMRAO CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr.U.R.Awate h/f Talekar And Associates

AGP for Respondents: Mrs.A.V.Gondhalekar

Adv. Hon Ashwin V. For R No. 3

...

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 09.01.2020

PC. :-

The learned advocate for the petitioner submits that the petitioner tried to fill in the form for the post of Health Supervisor pursuant to the advertisement but the form was not accepted on the ground that the petitioner does not possess the qualification as mentioned in the advertisement. The learned advocate submits that the petitioner possesses the qualification of B.Sc. Degree from recognized University and also completed 12 months Sanitary Inspector Diploma Course. The said course is equivalent to 12 months basic training course for multi purpose Health Workers. For the post of Health Supervisor a person to be considered from promotional quota is held eligible if he possesses Sanitary Inspectors course. But a person possessing qualification of 12 months basic training course of Sanitary Inspector is not held eligible for appointment by nomination. The same is discriminative and violative of Article 14 of the Constitution of India. The qualification for the Health Supervisor has to be accepted. The learned

counsel relies on the judgment of the Division Bench of this Court in case of **Pravin Prakash Karnewar V/s State of Maharashtra and another reported in 2012 (5) M.L.J. 183**. We have also heard learned Additional Government Pleader and the learned counsel for the respondents.

2] The judgment in the case of Pravin Prakash (supra) would not assist the petitioner in the said case. In the said case the candidate possessed a higher qualification. In the present case petitioner claims that 12 months training of a Sanitary Inspector course be held to be equivalent to 12 months basic training course for multi purpose health worker. To grant equivalence is an expert's job. The same has to be by the academicians or experts appointed by the Government. The Courts cannot substitute its wisdom over the wisdom of the experts. The reason has been made out by the respondents that in case of promotion the persons working in the feeder cadre get experience therefore, qualification mentioned in the promotional post may not be similar as that for direct recruit.

3] It is for the petitioner to approach the Government and the Government to consider the equivalence as claimed by the petitioner.

4] In view of aforesaid, Writ Petition is disposed of No costs.

[MANGESH S. PATIL, J.]

[S.V.GANGAPURWALA,J.]