

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

989 WRIT PETITION NO. 5127 OF 2019

**SONALI SHAHADEO AVHAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Petitioner : Mr. Munde Sandeep D.
AGP for Respondent No. 1 : Mr. S. G. Karlekar
Advocate for Respondent No. 2 : Mr. B. S. Deshmukh

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

DATE: 27th FEBRUARY, 2020

PER COURT:

1. Mr. Munde, learned counsel for the petitioner submits that pursuant to the advertisement issued by the respondent, the petitioner participated in the selection process for the post of Traffic Inspector (Female). The petitioner secured 124 marks. The candidature of the petitioner is not considered subsequently. The learned counsel submits that the petitioner has the necessary qualification and experience as per the advertisement. The advertisement prescribes only one year work in the field of traffic. The

petitioner had produced on record the certificates of the transport section where the petitioner has worked. The experience was of 14 months. The petitioner also possessed the qualification, still the candidature is not considered.

2. Mr. Deshmukh, the learned counsel submits that the petitioner acquired qualification as required on 25.06.2016 and the experience certificate is for a period of 11.02.2015 to 16.06.2016, the same is prior to the qualification. The experience has to be after the petitioner acquires the necessary educational qualification. In view of that, the candidature of the petitioner is rejected. The learned counsel relies on the notings dated 20.11.2018 of the High Power Committee. The same was constituted to deal with the complaints.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. The qualification / experience as prescribed for the post of the Traffic Inspector is as under-

२	<u>वाहतूक निरीक्षक (कनिष्ठ)</u> अ) प्रथम ३ वर्षाकरिता (कनिष्ठ) वेतनश्रेणी. रु.४१६०-४५४७ ब) ३ वर्षानंतर नियमित वेतनश्रेणी रु.६७९०-२२१९१	१) मान्यताप्राप्त विद्यापीठाचा कोणत्याही शाखेचा पदवीधर असणे आवश्यक. २) वाहतूक क्षेत्रातील कामाचा १ वर्षाचा अनुभव (रा.प. कर्मचाऱ्यांसाठी केवळ सहा. वाह. निरीक्षक / वाहतूक नियंत्रक व वरिष्ठ कारकून, पदातील वाहतूक खाते/शाखेच्या कामाचा १ वर्षाचा अनुभव ग्राह्य राहिल.) ३) उमेदवार "एम. एस. सी.आय.टी." / तस्सम शासनमान्य संस्थेचा संगणक कोर्से उत्तीर्ण असावा. ४) शारीरिक पात्रता: उंची - १६३ से.मी. (किमान) (महिला उमेदवारांसाठी उंची १५३ से.मी.) ५) अवजड वाहतुकीची वाहने चालविण्याचा परवानाधारक असावा किंवा रा.प.मध्ये प्रशिक्षणासाठी उपस्थित झाल्याच्या तारखेपासून दोन वर्षांच्या मुदतीत अवजड वाहतुकीची वाहने चालविण्याचे लयसेन्स सादर करणे आवश्यक.
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5. Reading the said qualification and the experience clauses of the advertisement, the advertisement does not specify that the experience possessed by the candidate has to be acquired after getting the educational qualification. The same is silent.

6. In case, the advertisement prescribed that the experience should be after the period the candidate acquires the qualification, then the contentions of the respondents certainly would be

entertained. However, the advertisement is silent in respect of the same. The petitioner has produced on record the certificate issued by the transport company to justify that the petitioner has the necessary experience in the traffic department from 11.02.2015 to 16.06.2016. How far the certificate would be relevant is for the respondent to consider. Further, the respondent could not have rejected the claim of the petitioner only on the ground that the experience of the petitioner is prior to qualification, more particularly, in absence of said condition in the advertisement.

7. Considering the above, we pass the following order.

8. In case, the advertised post as per the advertisement in question is still vacant, then the claim of the petitioner shall be considered within one (01) year. It shall not be rejected on the ground that the experience of the petitioner is prior to acquiring her qualification.

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

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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