

Pradnya Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 12753 OF 2017**

Snehal Balasaheb Patil

..Petitioner

vs.

The State of Maharashtra and Anr.

..Respondents

.....

Mr. Nagesh Y. Chavan for Petitioner.

Ms. R.M. Shinde, AGP for State/Respondent No.1.

Mr. A.A. Alaspurkar for Respondent No.2.

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**CORAM : NITIN JAMDAR &  
M.S.KARNIK, JJ.**

**DATE : 4 FEBRUARY 2020**

**P.C.:-**

By this Petition, the Petitioner has challenged the action of the Respondent in not considering the Petitioner eligible for the posts of Senior Chemist and Lab Chemist which the Petitioner had applied for.

2. The advertisement was issued by the Respondent bearing Advertisement No.1 of 2017 wherein several posts were advertised out of which the Petitioner had applied for the post of Senior Chemist and Lab Chemist. The qualification for the post of Senior Chemist, Grade-I was B.E./B.Tech. degree in Chemical Technology, Sr. Chemist from a reputed University/Institute or its

equivalent or B.Sc./M.Sc. in Chemistry or its equivalent and the experience was not less than 5 years post qualification experience in the case of B.Sc. degree holders, not less than 3 years post qualification experience in the case of M.Sc. degree holders or B.E./B.Tech. Degree in Chemical Technology or equivalent out of which not less than 2 years should have been spent in a position of responsibility as a Chemist or equivalent in control, operation of treatment of water, etc. in a large Thermal Power Station having high temperature steam plant and should be capable of analysing oil, ash, gases or Combustion water. Further the candidate should be also well acquainted with different grades of coal & their treatment before firing.

3. The qualification for the post of Lab Chemist, Grade-II was B.Sc. (Chemistry) from a reputed University/Institute or its equivalent and the experience was that he/she must possess 3 years post qualification experience in operation of water treatment plants in a large Thermal Power Station having high temperature steam boilers and turbine and should also be capable of analysing oil, coal, ash and products of combustion of coal.

4. The Petitioner holds degree in M.Sc. but does not possess experience in large Thermal Power Station having high temperature steam boilers and turbine capable of analysing oil,

coal, ash and products of combustion of coal. The Petitioner admittedly does not possess this experience in a large Thermal Power Station but in some other Government Department. Learned counsel for the Petitioner sought to contend that this experience is non essential condition and he possesses other qualifications. It was also contended that subsequently by notification it has been clarified that such experience is not necessary.

5. The Petitioner seeks a direction to the Respondents to consider the claim of the Petitioner pursuant to the said advertisement. Once the Petitioner does not have the experience in a field specified in the advertisement, a writ cannot be issued to the Respondent overriding the qualification of the experience prescribed. This condition cannot be omitted treating it as a non-essential condition. Merely because the Petitioner was allowed to participate and put on the select list does not mean that the Respondents cannot reconsider the decision having found that the Petitioner was not qualified.

6. In the circumstances, the Writ Petition can not be entertained and is accordingly rejected.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)