

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4078 OF 2019

Anita d/o Gyansingh Shekhawat

vs.

Maharashtra State Power Generation Co.Ltd. and another

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

.....
Shri P.D.Meghe, Advocate for the petitioner.
Shri A.D.Mohgaonkar, Advocate for respondent nos.1
and 2.

**CORAM : R.K. DESHPANDE &
AMIT B. BORKAR, JJ.**

DATED : 27.01.2020.

The petitioner was selected for the post of 'Chemist' from women open category and the name was included in the select list prepared on 17.6.2017 and thereafter on 30.1.2019. However, revised list was prepared on 24.5.2019 in which the name of the petitioner does not figure for the post in question. This is the subject matter of challenge in the petition.

2. The select list is prepared and revised as per the instructions issued under the Government Resolution dated 19.12.2018. There is no challenge that the select list prepared is not in accordance with this Government Resolution. The challenge is that the advertisement in question was issued in January 2017 and, therefore, the

criteria prescribed for preparation of select list under the Government Resolution issued subsequently on 19.12.2018 could not have been applied. If this Government Resolution had not been applied, undisputedly the petitioner could have got the order of an appointment.

3. It is not in dispute that in the vertical as well as horizontal reservation, there is not even a single person selected from the open category having the marks lower than the petitioner. Obviously, the persons from reserved category, if have secured the marks higher than the persons belonging to non-reserved category, the appointments are not to be counted against the reservation.

4. In view of this, we do not find any substance in the Writ Petition and the same is dismissed.

JUDGE

JUDGE

Ambulkar