

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

18 WRIT PETITION NO.2961 OF 2021

**SANGITA SHRIPATRAO TELANG
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioner : Shri D. B. Bhange
AGP for Respondents- State : Shri P. K. Lakhotiya

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

DATE : 01st MARCH, 2021

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PER COURT :

1. Mr. Bhange, the learned Advocate submits that the petitioner was considered from General (Female) Category. The petitioner was assured that her case shall be considered from General (Female) Category and she will have to submit the Non Creamy layer Certificate within one month of her selection. The learned Advocate submits that the respondents have committed a grave error in rejecting the claim of the petitioner from General (Female) Category. The learned Advocate submits that the respondents did not appoint any candidate from General (Female) Category for the post of "Kotwal" and instead appointed a person from the general category (Male). The same is illegal. The Tribunal also failed to consider the case put forth by the petitioner in its correct perspective. The petitioner possesses the required qualification for the said post.

2. The learned AGP submits that for a person to be considered from General (Female) Category, Non Creamy Layer Certificate is must. The petitioner had also paid fees for reserved category (S.C.).

3. We have considered the submissions.

4. The claim of the petitioner for appointment from General (Female) Category is negated on two grounds :

(1) The application of the petitioner was from S.C. category and the petitioner had paid fees of only Rs. 200/- whereas fees for General (Female) category candidate is Rs. 400/- and

(2) The petitioner did not annex the Non Creamy Layer Certificate alongwith the application.

5. We asked the learned Advocate for the petitioner as to whether the petitioner had submitted the Non Creamy Layer Certificate alongwith the application so as to consider the case of the petitioner.

6. The learned Advocate, on instructions, submits that the Non Creamy Layer Certificate is not submitted along with the application.

7. Even if we ignore the aspect of payment of fees viz. Rs. 200 instead of Rs. 400/-, still admittedly the petitioner did not submit the

Non Creamy Layer Certificate for seeking appointment from the category of General (Female). The submission of Non Creamy Layer Certificate is mandatory. The advertisement also requires submission of Non Creamy Layer Certificate along with the application. Till today the petitioner does not possess the Non Creamy layer Certificate.

8. In light of that, the relief claimed by the petitioner cannot be granted. As such Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

shp/-