

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

WRIT PETITION NO. 5368 OF 2021

Jitendra S/o Chandrasen Gaisamudre ... Petitioner.

Versus

The State of Maharashtra
and another ... Respondents.

....

Ms. PS. Talekar, Advocate i/b Talekar and Associates, Advocate for the
Petitioner.

Ms. VN. Patil Jadhav, A.G.P. for Respondent No.1.

....

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

DATE : 25th MARCH, 2021

PER COURT:-

1. The learned counsel for the petitioner submits that the petitioner is similarly situated as the petitioner in Writ Petition (Stamp) No. 13560 of 2020 decided under order dated 07.09.2020. The petitioner may be considered from Group 2.

2. In view of that, we follow the same course and pass the following order.

3. The lease deed of land for one year and upward has to be by a registered instrument. Admittedly, along with the application, the petitioner has submitted a notarised document of lease deed. Under clause 4(v)(d), if the land is lease hold land, then the applicant is required to submit registered lease deed for a minimum period of 19 years and 11 months. The petitioner cannot read clause 4(v)(d)

suggesting ‘any other type of ownership/transfer deed document’ to mean that even the lease deed required by the Law of Registration to be registered, can be a notarised instrument. The rejection of the application on the said ground is not illegal.

4. If the candidate from Group 1 is not available with the Respondent-Company, then the petitioner may represent the Respondent-Company to consider the candidature of the petitioner from Group 2. It is for the Respondent-Company to consider the same. If the Respondent-Company cannot find any eligible candidate from Group 1, then the petitioner may make an application to the Respondent-Company to consider his application from Group 2, which application shall be considered by the Respondent-Company on its own merits.

5. The writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P Rane