

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

WRIT PETITION NO. 6136 OF 2018

Jijabrao Dhondu Khairnar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Rakesh Nemichandji Jain, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent Nos. 1 to 3.

Mr. P. B. Patil, Advocate for Respondent No. 4.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 08th September, 2021.

PER COURT:-

. The petitioner assails the judgment delivered by the Maharashtra Administrative Tribunal dismissing the Original Application filed by the petitioner.

2. The learned counsel for the petitioner strenuously contends that the petitioner had applied for the post of Peon from General category. There are 13 posts of Peon available at Nandurbar Division. One post was for General category. In General category, two posts were meant for women and one post was meant for Project Affected Person (PAP) category. The candidate from PAP category was not available. The seat would go to General category. As the petitioner had applied from

General category, the petitioner was entitled for the appointment. The authorities illegally appointed present respondent No. 4. The respondent No. 4 had applied from OBC (PAP) category. According to the learned counsel, the respondent No. 4 could not have been considered from General category.

3. The learned counsel for the petitioner submits that under the Government Resolution dated 18.07.2008, the seats reserved for PAP person were cancelled. In view of that, the seat meant for PAP category would go to General category candidate.

4. Mr. Patil, learned counsel for respondent No. 4 submits that respondent No. 4 has secured more marks than the petitioner and as such, is considered from General category.

5. We have also heard the learned A.G.P for respondent Nos. 1 to 3.

6. Admittedly, the petitioner has not applied from General (PAP) category. The petitioner does not possess the certificate of PAP

7. The petitioner has secured 78 marks. The respondent No. 4 has secured 82 marks. The respondent No. 4 is from Other Backward Class (PAP) category.

8. Under the Government Resolution dated 18.07.2008 the seats meant for PAP category were cancelled and the posts from PAP category were not filled in.

9. In view of that, the post meant for PAP category went to the open competition category and as respondent No. 4 has secured more marks, certainly, he would be considered from open competition category.

10. The Tribunal has not committed any error.

11. In the light of that, writ petition is dismissed. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.