

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

**WRIT PETITION NO. 11684 OF 2021
WITH
CIVIL APPLICATION NO. 13966 OF 2021
IN WRIT PETITION NO. 11684 OF 2021**

Prakash Supdu Gaikwad
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. B. Ghatol Patil, Advocate for the Petitioners.
Mr. P. S. Patil, Addl. G. P. for Respondent No. 1.
Mr. A. S. Bajaj, Advocate for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 23rd DECEMBER, 2021.

PER COURT:-

. Mr. Ghatol Patil, learned counsel for the petitioners submits that the select list prepared is contrary to the advertisement. The select list is prepared on the basis of best of five marks obtained in SSC or equivalent examination. Advertisement required that aggregate marks would only be considered.

2. The persons whose names are found in the select list are the ones who had pursuant to the advertisement given their aggregate marks on

the basis of best of five marks. They were disqualified ineligible to be considered.

3. In Writ Petition No. 12428 of 2021 with other connected writ petitions under order dated 30.11.2021 we had considered the contention of the respondents and also considered the communication placed on record to suggest that the best of five marks would not be considered, but aggregate marks in all subjects will only be considered.

4. As far as the ineligibility is concerned, the candidate would be ineligible if he is considered on the basis of best of five marks only. The candidates annexed the mark sheets demonstrating aggregate marks along with their application forms pursuant to the advertisement.

5. In view of that, no interference is called for. Writ petition is disposed of. No costs.

6. In view of disposal of the writ petition, civil application does not survive, as such civil application is disposed of.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.