

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

12 WRIT PETITION NO.13503 OF 2021

**PRADIP BHAUSAHEB MUNDE & OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the petitioners : Mr.S.D.Munde
AGP for the respondent-State : Mr.P.K.Lakhotiya

...

AND

18 WRIT PETITION NO.13510 OF 2021

**PRAJWAL SUNIL DANDEKAR & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

...

Advocate for the petitioners : Mr.S.D.Munde
AGP for Respondent-State : Mr.S.B.Pulkundwar

...

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

DATE : 06.12.2021

P.C. :

1] Mr.Munde, learned counsel for the petitioners submits that the petitioners have applied pursuant to the advertisement No.04/2019 for the post of Vidyut Sahayyak. The advertisement specifically stated that aggregate marks in all subjects would be considered and the marks on the basis of best of five would not be considered for the

selection. In spite of that, the respondent authorities, acting contrary to the clauses mentioned in advertisement as well as notifications, have considered the marks on the basis of best of five and published the selection list. According to the learned counsel, said methodology is not in consonance with the terms of the advertisement. The respondents do not have right to amend the terms of the advertisement during selection process. Once the game is over, rules of game cannot be changed.

2] The advertisement in question prescribes that the selection list would be published on the basis of the aggregate marks of the candidates secured in 10th Standard or in the similar examination. The candidates certainly cannot be selected on the basis of best of five marks as per the advertisement and they have to be selected on the basis of aggregate marks obtained.

3] The grievance of the petitioners appears to be that only because some of the candidates had mentioned the marks of best of five, they should stand disqualified. The advertisement did not contain any clause of such nature that if the best of five marks are mentioned, the application would stand rejected. The grievance of the petitioners is that the respondents authorities have considered the applications of the candidates on the basis of marks of best of five and not on the basis of aggregate marks. However,

the same is not the position. The respondents are considering the selection of candidates on the basis of aggregate marks only.

4] In the light of that, no error in the impugned communication. Writ Petition stands disposed of. No costs.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

DDC