

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 6927 OF 2018
ALONGWITH
INTERIM APPLICATION NO. 252 OF 2021**

Gautam Suresh Mailagir

.....**Petitioner**

V/s.

Maharashtra State Road
Transport Corporation and anr.

....**Respondents**

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Mr. Rajeshwar Ganesh Panchal a/w. Mr. A.R. Kori, ,
advocate for the petitioner.

Ms. Sonali Pawar a/w. Ms. Vaidehi Deshmukh a/w. Ms. Kinjal
Kanani i/by. Mr. Y.P. Deshmukh, Advocate for
respondents no.1 and 2.

**CORAM : SMT. SADHANA S. JADHAV, AND
SURENDRA P. TAVADE, JJ.**

DATED : 2ND AUGUST, 2021.

P.C. :

1. Rule. Rule made returnable forthwith.
2. Heard learned Counsel for the petitioner and learned Counsel for respondents no.1 and 2.
2. The petitioner herein had filed an application for the post of Clerk-cum-Typist (Junior) in the Maharashtra State

Road Transport Corporation as per their Advertisement No.2 of 2017. The qualification for the said post was held online. The petitioner had passed with 78.72% marks. He was orally informed that, he would not be given appointment to the said post, as he has submitted a Certificate which was issued by the Maharashtra State Board of Vocational Examination.

2. Learned Counsel for the petitioner, has drawn our attention to the Government Resolution dated 4th February, 2013 wherein the State of Maharashtra has formulated the rules for accepting the Certificate qualifying them to be well equipped with having knowledge in Computer Operations, which is a pre-requisite for giving appointment to the post of Clerk in any establishment of the State Government and the Corporations/Statutory bodies.

3. Submission of a Certificate showing that the candidates have passed MSCIT is inevitable for the State Government employees. However, it is for the Corporations to adopt the Government Resolution dated 4th February, 2013. The learned Counsel for the petitioner has drawn our attention to the Circular dated 12th April, 2019 issued by the General Manager, Maharashtra State Road Transport Corporation, Aurangabad Division, wherein it is specifically stated that the Government Resolution issued by the Government dated 4th February, 2013 is accepted by the respondent. In view of this,

it was incumbent upon the Corporation to accept the Certificate issued by the Maharashtra State Board of Vocational Examination as a qualification for the appointment of Clerk with the respondent-Corporation.

4. The learned Counsel for the respondent, upon instructions, fairly submits that since the Corporation has adopted the Government Resolution dated 4th February, 2013, they would give an appointment to the petitioner to the post for which he has qualified. However, his seniority will be considered as per the date of appointment. In view of this, the petition succeeds. Rule is issued in terms of prayer clause (a). However, in the interest of justice, the respondent is directed to issue letter of appointment within four weeks from the date of receipt of this order.

5. Rule is made absolute in the above terms. The petition stands disposed off.

6. With disposal of the petition, Interim Application No. 252 of 2021 does not survive. The same is disposed off as having become infructuous.

(SMT. SADHANA S. JADHAV, J.)

(SURENDRA P. TAVADE, J.)