

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

MISC. CIVIL APPLICATION NO.387/2021
IN WRIT PETITION N. 6753/2019.

Mr. Sandesh Sitaram Kapse.

-Versus-

Nagpur Municipal Corporation and 2 others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.K. Khobragade, Advocate for the Applicant.
Shri A.S. Mehadia, Advocate for Non-applicant
Nos.1 and 2.
Non-applicant No.3 Served.

CORAM : A.S. CHANDURKAR
& VINAY JOSHI, JJ.

DATE : OCTOBER 29, 2021

Heard.

2. The applicant/petitioner is seeking review of the order dated 04.10.2019 passed by this Court in Writ Petition No.6753/2019. Review is sought on the ground that though the petitioner was eligible for the post of Electrician, this Court while disposing of the Writ Petition held him age bar and accordingly declined to grant the relief.

3. The applicant has mainly contended that he being a member belonging to Scheduled Caste. is

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entitled to avail the benefit of age exemption, and therefore, he could not have been declared as age bar. Secondly, it is contended that the selection process is faulty.

4. Undeniably, the applicant/petitioner has applied for the post of Electrician which was to be filled in on the establishment of non-applicant no.1. The requisite criteria as regards age was upto 33 years for candidates belonging to open category, whilst upto 38 years for candidates belonging to reserved category. Admittedly the post was from open category. Though the applicant/petitioner belongs to reserved category, has applied from open category. Since the post was for open category the requisite criteria which is meant for open category has to be followed. As stated above, the upper age limit was upto 33 years, whilst admittedly the applicant/petitioner was 33 years and 8 months of age. The post being for open category and applicant/petitioner had applied in open category, he cannot avail the benefit of age relaxation.

5. Pertinent to note that despite above position, the applicant/petitioner was permitted to

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appear for the examination, however, later on at the time of verification of documents, his candidature was rejected. Apart from technicalities, we have perused the merit list from which it is evident that the candidate at Sr.No.1 Sk. Riyaz (Non-applicant no.3), has secured 63 marks out of 100, whilst the applicant / petitioner stood at Sr.No.13 in the merit list, as he secured 31 marks. Non-applicant No.1 has selected a candidate who has secured highest marks and therefore, we do not find any malafides in the said process.

6. Though we cannot sit in appeal on the selection process, still on bare perusal, it is evident that the candidate who has secured highest marks has been selected. We therefore, do not find any reason to entertain the review petition, hence the same is dismissed. No costs.

JUDGE**JUDGE**

Rgd.