

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

Writ Petition No. 5290/2019

Suresh S/o Punaji Bagde and ors. ...Petitioners

Versus

The State of Maharashtra and ors. ...Respondents

Shri A.R. Ingole, Advocate for the Petitioners

Shri N.S. Rao, AGP for Respondent Nos. 1 and 2 - State

Shri M.R. Pillai, Advocate for Respondent No. 4

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 15 JANUARY 2021

P.C.:

Heard learned Counsel for the parties.

2. The Petitioners, six in number were working as Security Guards on the establishment of the Respondent No. 2 through Respondent No. 3-Agency by the Respondent No. 4-Security Guards Board.

3. The Petitioners worked from the year 2016 to 2019, as orally informed to us by the learned Counsel for the Petitioners, as we find no pleading to that effect in the Petition. The only document which gives details of the Petitioners is at Annexure "A". As orally informed by the learned Counsel for the Petitioners, the Petitioners' services are stated to have been discontinued some time in the year 2019. Again, as orally

informed by the learned Counsel for the Petitioners some of the Petitioners were disqualified on the ground that they had not passed Eighth Standard Examination and some were disqualified on the ground that they did not have the requisite height.

4. The learned Counsel for the Petitioners submitted that though it is correct that the appointments were after the Government Resolution dated 02 March 2009 prescribing qualifications for Security Guards of being of specific height and education, which the Petitioners do not possess, a sympathetic view be taken since the Petitioners have worked for a period of three years. The fact that the Petitioners do not qualify is not disputed.

5. Affidavit-in-reply is filed by Respondent No. 4 stating that under the said Government Resolution, it does not have any power of relaxation of the conditions.

6. Without being qualified, the Petitioners were permitted to work and earn salary for three years. No further indulgence can be granted to the Petitioners. Exercise of sympathy will be misplaced as it would deprive those who were otherwise eligible and yet not gainfully employed.

7. The Writ Petition is rejected.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]