

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1301 OF 2016

YUVRAJ SURESH WEER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.R.K.Jadhavar, Advocate for the petitioner.
Mr.P.S.Patil, AGP for respondent Nos. 1 and 3.
Mr.S.R.Dheple, Advocate for respondent Nos. 2 and 4.
Mr.U.B.Bilolikar, Advocate for respondent No.5.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : AUGUST 29, 2022

PER COURT :

1. The petitioner has put forth prayer clause 'B' and 'C' as under :-

"B. By issuing writ of mandamus or any other appropriate writ selection list prepared by District Selection Committee on dt. 11.01.2016 to the extent of post of Gram Sevak Contractual basis in the Zilla Parishad, Aurangabad may kindly be quashed and set aside.

C. By issuing writ of mandamus or any other appropriate writ it be held that the petitioner is entitled for the post of Gram Sevak Contractual basis by cancelling the selection of respondent No.5 as per the final selection prepared by the District Selection Committee dt. 11.01.2016."

2. While issuing notice on 04.02.2016, no interim relief was granted.

3. We have considered the submissions of the learned Advocates for the respective sides.

4. The advertisement dated 02.11.2015 was published by the Zilla Parishad inviting applications for contractual employment as “Gramsevak”. When the said advertisement was issued, the Government Resolution dated 05.10.2015 was applicable. All earlier Govt. resolutions and especially the GR dated 27.06.2008, were repelled.

5. By the GR dated 05.10.2015, if the scores of the applicants are equal, the applicant who is senior by age, would be appointed. In the instant case, the scores of the petitioner and respondent No.5 were equal. The petitioner was 22 years of age and respondent No.5 was 25 years of age. With all things being equal, the GR permitted the authorities to select the candidate whose age is more than the other candidate.

6. In view of the above, we do not find that the Zilla Parishad has committed any error in selecting respondent No.5.

7. This petition is, therefore, dismissed.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)