

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

WRIT PETITION NO.4303 OF 2021

Mamta Rama Padvi

Age : 32 years, Occu : Service,

R/o. Dab, Tal. Akkalkuwa,

Dist. Nandurbar.

.. Petitioner

Versus

1. The State of Maharashtra
Through the Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Additional Tribal Commissioner,
Tribal Development Department,
Division Nasik, Adiwasi Vikas Bhavan,
Ground Floor, Gadkari Chowk, Old Agra
Road, Nasik, Tal. & Dist. Nasik
3. The Project Officer,
Integrated Tribal Development Project,
Taloda, Tal. Taloda, Dist. Nandurbar
4. Daksha Chandrasing Naik
Age : 31 years, Occu : Service
R/o. Nadgavhan, Tal. Taloda,
Dist. Nandurbar.

.. Respondents

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Mr. Tukaram M. Venjane, Advocate for the petitioner.

Mrs. Vaishali N. Patil – Jadhav, AGP for Respondent No.1

Mr. S.M. Kamble, Advocate for Respondent Nos.2 & 3

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 22-09-2022

ORAL JUDGMENT (*PER* SANDEEP V. MARNE, J.) :

. Heard. Rule. It is made returnable forthwith. Learned
AGP Mrs. Vaishali N. Patil – Jadhav waives service for respondent

no.1 and learned advocate Mr. S.M. Kamble waives service for Respondent Nos.2 and 3. At their joint request the matter is heard finally at the admission stage.

2. By the present petition, the petitioner seeks appointment on the post of Superintendent (Female) in Ashram School by cancelling the appointment order issued in favour of respondent no.4. The claim of the petitioner is premised on the contention that she is entitled to be granted 30 marks (21 marks in written examination and 9 marks for experience) as against only 29 marks secured by respondent no.4.

3. The controversy is about entitlement for award of 9 marks to the petitioner on the basis of her experience certificate dated 31.12.2019. Under the Govt. Resolution dated 01.12.2018, read with letter dated 27.02.2019, nine marks are required to be awarded for experience between 4 to 6 years. At the time of submission of her online application form, the petitioner was in possession of experience certificate dated 12.06.2019 which certified her experience of only 3 years and 3 months. After the entire selection process was completed and respondent no.4 was appointed vide appointment order dated 11.12.2019, a corrected Experience

Certificate was issued to her on 31.12.2019 certifying her experience of 4 years and 3 months. It is her case that she be awarded 9 marks on the basis of the said corrected experience certificate and she be appointed in place of respondent no.4.

4. We find that the case of the petitioner to be totally unacceptable. The corrected experience certificate issued after completion of selection process and appointment of respondent no.4 cannot be the basis for reopening of the entire selection process, which was already finalized. The petitioner ought to have procured correct experience certificate at the time of submission of her online application form. There was one more opportunity to her to submit correct experience certificate, when document verification was conducted on 19.09.2019. However, even as on 19.09.2019 all that she possessed was the experience certificate dated 12.06.2019 certifying her experience of only 3 years and 3 months. It appears that she did not submit any experience certificate on the day when the document verification was conducted. This is apparent from the contents of her representation dated 03.01.2020. The appointing authority therefore cannot be faulted in awarding marks towards experience on the basis of the documents that were submitted on 19.09.2019.

5. Long after the selection process was finalized and the respondent no.4 was already appointed on 11.12.2019, the petitioner procured corrected experience certificate on 31.12.2019 and submitted the same vide her letter dated 03.01.2020. The expectation of the petitioner that appointment of respondent no.4 would be cancelled by reopening the finalized selection process is overoptimistic and untenable in law. It is trite that the selection of the candidate is required to be made by award of marks on the basis of the documents submitted either along with the application form or at least on the date of document verification. The documents procured subsequently are required to be ignored. In such circumstances, no case is made out by the petitioner for cancellation of appointment order of respondent no.4 or for her own appointment. Consequently, we find that the writ petition being devoid of any merits is liable to be dismissed and is accordingly dismissed without any order as to the costs. Rule is discharged.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)