

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

WRIT PETITION NO.4091 OF 2020

POONAM UTTAM JONDHALE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. B. S. Deshmukh, Advocate for the Petitioners.

Mr. S. B. Yawalkar, AGP for Respondents-State.

Mr. P S. Paranjape, Advocate for Respondent No.3.

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**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 04th JANUARY, 2022.

PER COURT:-

1. The petitioners had applied for the posts of Shikshan Sevak for the subject Book Keeping and Accountancy from English medium. The petitioners are not issued with the appointment orders.

2. Mr. Deshmukh, learned counsel for petitioners submits that, injustice is caused upon petitioners in as much as petitioners have studied all along in English medium. Those students who have studied in Marathi as well as in English medium have got the advantage. The respondents should maintain a separate list of students coming from English medium and applying for the post of Book Keeping and Accountancy. The said subject is to be taught in English medium only. The candidates who have completed their educational

career in both the mediums are also competed against petitioners. The same is erroneous and does not amount fair competition.

3. Mr. Yawalkar, learned A.G.P. submits that, respondent no.4 is possessing 132 marks, whereas petitioner no.1 possess 93 marks, petitioner no.2 possess 84 marks and petitioner no.3 possess 100 marks. The more meritorious candidates than petitioners are selected and appointed. The learned A.G.P. further submits that, process for the posts filled in with interview is also concluded and petitioners could not find place on merits.

4. It appears that, petitioners had passed professional examination as well as graduation from English medium. There are some candidates who have passed graduation from Marathi medium and/or passed post graduation from English medium. Those are also eligible for appointments. The petitioners pursuant to the advertisement participated in the selection process without any demur. After participating in the selection process, now petitioners cannot challenge the selection process conducted in accordance with the circular and advertisement.

5. It is not the case that, candidates securing less marks than petitioners are appointed. The petitioners would have ground to make

grievance, if the candidates less meritorious than petitioners are appointed. It appears that, if a candidate has passed graduation from Marathi medium and post graduation from English medium he would be eligible to teach the subject from English medium. The petitioners have passed the graduation as well as post graduation and/or professional examination from the same medium. It cannot be said that, injustice would be caused because petitioners are required to compete with other candidates. At the end, merit is considered and more meritorious candidates securing better marks than petitioners are selected.

6. In light of that, Writ Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE