

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO. 13396 OF 2019

SHIVRAJ SURESH JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Estling S. Murge
AGP for Respondent No. 1 : Mr. P.K. Lakhotiya
Advocate for Respondent No. 2 : Mr. Anand D. Wange

...
**CORAM : RAVINDRA V. GHUGE AND
S. G. DIGE, JJ.**

DATE : 29th MARCH, 2022

PER COURT :-

1. By this petition, the petitioner has put forth prayer clauses B, C and D as under :

“B) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, the respondent No. 2 & 3 may kindly be directed to consider claim of the petitioner for the post Assistance Junior as the petitioner secured Highest mark than the other selected candidate.

C) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, the Respondent No. 2 & 3 may be directed to issue appointment order to the petitioner for the post Assistant Junior.

D). Pending hearing and final disposal of this writ petition to direct the respondent No. 2 & 3 considered the claim of the petitioner for the post of Assistance Junior subject to the outcome of final decision of the writ petition.”

2. We have considered strenuous submissions of the learned Advocate for the petitioner. With the assistance of the learned Advocates appearing for the parties, we have gone through the record available. For ready reference, the learned Advocate representing the Maharashtra State Road Transport Corporation (“MSRTC”) has placed on record a compilation of six pages of a ready reference chart, which indicates the name of each applicant, who had applied for the post of Assistant Junior. In the extreme right column of the said chart, which is marked “X-1” for identification, indicates the marks scored in the written examination.

3. We have perused the advertisement. On internal page 37 of the advertisement, bottom portion pertaining to the MSRTC apprenticeship candidates, it is specifically mentioned that 50% preference would be given to those candidates, who have done their apprenticeship in the MSRTC. The ready reference chart X-1 indicates at serial No. 67 that the petitioner has not completed his apprenticeship with MSRTC and those candidates, who have scored four marks less than the petitioner in the written examination, are senior to him in employment with MSRTC and they have also completed their apprenticeship. They were, therefore, selected from the category of 50% reserved for apprenticeship candidates.

4. In view of the above, we do not find any error in the selection process of the MSRTC. This petition being devoid of merit, is therefore, dismissed.

(S.G. DIGE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE