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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4852 OF 2021

Nikhil Suresh Patil ... Petitioner
Versus
Union of India & Ors. ... Respondents

Mr. Jayendra Khairnar for the Petitioner.
Mr. Rui Rodrigues with Priyanka Chavan for the Respondent-UIO.
Mr. Yuvraj P. Narvankar for Respondent Nos.2 to 4.

**CORAM : S. V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : 23RD JUNE 2022

P.C. :

1. The Petitioner had participated in the selection process pursuant to the advertisement of the year 2018. The Petitioner applied from physically disabled category for the post of Junior Officer Assistant. While filling in the application for post, the Petitioner claimed reservation from physically disabled category. One post was reserved for physically disabled person.
2. The learned counsel for the Petitioner submits that the Petitioner belongs to OBC category also, however, inadvertently the Petitioner failed to mention in the application. The learned counsel submits that the Petitioner was possessing requisite cut off marks from OBC category. There was no impediment for the Respondent to consider Petitioner from the OBC category person as the candidate who stood first and secured

more marks but did not join, another person who was considered from physical disabled category also did not join. In view of that there was no impediment for the Petitioner to be considered from the OBC physically disabled category.

3. The learned counsel for the Respondent submits that cut off for general category candidate was 110. The Petitioner possessed 101 marks. The Petitioner could not have been considered for general category as the Petitioner did not apply from the OBC category. All seats from OBC category are filled in.

4. Naturally the application pursuant to advertisement as was filled will have to be considered. Admittedly, the Petitioner did not apply from the OBC category. In the light of that the Petitioner being from general physical disabled category, the cut off marks were 110, the Petitioner possessed less marks.

5. All other seats from OBC category are filled in. At this stage it would not be now possible to consider the Petitioner for the selection process of 2018-19. Needless to state if the Petitioner is otherwise eligible, the Petitioner can apply in the fresh recruitment process.

6. The Writ Petition is accordingly disposed of. No costs.

(S. M. MODAK, J.)

(S. V. GANGAPURWALA, J.)