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

SALUNKE
J V

WRIT PETITION NO. 3561 OF 2022

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Mallikarjun Dharyappa Khot	}	Petitioner
Versus		
The Superintendent of Police,	}	
Sangli & Anr.	}	Respondents

Mr. Amitkumar D. Sale for the petitioner.

Mr. M. M. Pabale, AGP for State.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: FEBRUARY 6, 2023

P.C.:

- 1.** Heard the learned counsel for the petitioner.
- 2.** The petitioner approached the Maharashtra Administrative Tribunal, Mumbai (hereafter “the Tribunal”, for short) contending that the petitioner and the present respondent no. 2 possess the same marks. The respondent no. 2 is preferred on the ground that he had better qualification. Reliance was placed by the authorities and the Tribunal on the Government Resolution dated 27th June 2008. According to the learned counsel for the petitioner, as per the Government Resolution dated 5th October 2015, a person who is senior in age has to be preferred. The learned counsel further submits that the petitioner had Bachelor of Arts (BA) qualification in the year 2014. The same is also required to be considered.
- 3.** It is not disputed by the petitioner that the petitioner and respondent no. 2 secured the same marks. On the day the

advertisement was issued, the Government Resolution of the year 2008 was in force and applicable. As per the said Government Resolution, if same marks are obtained by two candidates, then, the one who has better qualification is required to be preferred. Admittedly, the petitioner did not possess the BA qualification upto 29th April 2014, i.e., the date of advertisement and respondent no. 2 possessed BA qualification. In the application also, the petitioner has showed his qualification as H.S.C.

4. In light of the above, the Tribunal has not committed any error in passing the impugned order. The writ petition is dismissed. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)