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

WRIT PETITION NO.13659 OF 2023

Dr.Manisha Vijay Gangan

.. Petitioner

Versus

The Secretary MPSC & Anr.

.. Respondents

Ms.Vaishali Jagdale for the petitioner.

Mr.Ashutosh M.Kulkarni a/w Mr.Siddharth Shitole for the respondents.

**CORAM : G.S.KULKARNI &
JITENDRA JAIN, JJ.
DATE : 7th November 2023**

P.C.:-

. By this petition under Article 226 of the Constitution of India, the petitioner has prayed for following reliefs :-

- a) *By a suitable order/directions, this Hon'ble High Court may be pleased to direct the Respondent No. 1 to open their website portal in order to facilitate the Petitioner to update her profile and upload her application form along with all her certificates in the said recruitment for the post of Medical Superintendent, forthwith.*
- b) *By a suitable order/directions, this Hon'ble High Court may be pleased to accordingly direct the Respondent No. 1 to call the Petitioner for the interview for the post of Medical Superintendent, forthwith, with all other consequential service benefits."*

2. Brief facts are as under :-

- (i) The petitioner is a medical officer working with respondent no.3 since 1994. On 1st September 2023, respondent no.1-Maharashtra Public

Service Commission issued an advertisement for the post of ‘Medical Superintendent.’ As per the said advertisement, the qualification required for the said post was as under :-

“9. Educational Qualification and Experience :

9.1 - Educational Qualification :

- (i) Candidate must be holding M.B.B.S. Degree of a recognized University and Post-Graduate Diploma / Degree in Hospital Administration of a Recognized University / Institution.
- (ii) The Post-Graduate Diploma / Degree in Hospital Administration should not have been obtained through Distance Education.
- (iii) It is necessary that candidate must have passed Secondary School Certificate or equivalent or highest examination with Marathi (Higher Level / Lower Level) Subject having Question Paper of 100 marks.

9.2 – Experience:

Candidate must be holding experience of such a period not less than 07 years of actually working on the posts equivalent to the post of Chief Medical Officer in the Public Health Department of the Municipal Corporation of Greater Mumbai and of administrative work after having acquired the educational qualification as mentioned in Point No.9.1 above.”

- (ii) The last date for uploading the application was 25th September 2023. However, the petitioner could not upload the application along with the documents on the ground that there were technical glitches in the portal of respondent no.1. It is on this backdrop that the present petition is filed seeking direction against respondent no.1 to open its portal to enable the petitioner to upload her application for the post of ‘Medical Superintendent.’

3. The petitioner submitted that although she collected all the documents necessary for making the application online but she could not upload the same on account of technical fault in the portal of respondent no.1 and thereafter, inspite of following up with respondent no.1, the said grievance was not addressed. The petitioner, therefore, prayed that the respondent no.1 be directed to open its portal so that the application and the documents can be uploaded and she can be considered for the post of 'Medical Superintendent.'

4. On the other hand, the respondents made two-fold submissions. Firstly that as per clause 9.2 of the said advertisement, the candidates should have at least 7 years of experience as hospital administrator whereas the petitioner has acquired the qualification of hospital administration only in the year September 2018 and, therefore, at the outset, she is not qualified for making such application. Secondly, the respondents have wrongly selected the tab with respect to the experience details and stated that her post was of clinical and administrative and, therefore, even on this account, the petitioner is not qualified to make the application.

5. Having heard learned counsel for the petitioner and the

respondents and with their assistance, perused the documents annexed to the petition, we are of the view that no purpose would be served by permitting respondent no.1 to open its portal for uploading the documents by the petitioner. This is so because the petitioner does not qualify as per clause 9.2 of the advertisement for the post of 'Medical Superintendent' since she does not possess the educational qualification and experience of minimum 7 years in hospital administration. The petitioner acquired the qualification of hospital administration in the year September 2018 which is less than 7 years. Therefore, the petitioner gets disqualified at the threshold itself. No material is shown to us that she possesses the requisite qualification as per clause 9.2 of the advertisement.

6. In view of the above, the petition is dismissed with no order as to costs.

JITENDRA JAIN, J.

G.S.KULKARNI, J.