

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1343 OF 2019

(Pravin s/o Ramesh Bhowte Vs. Maharashtra State Road Corporation, thr. its Divisional Controller,
Yeotmal & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri C.V. Jagdale, Advocate for the petitioner.

Shri A.S. Mehadia, Advocate with Shri V.P. Panpalia, Advocate for respondent No.1.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : APRIL 10, 2023

Heard.

2] The petitioner responded to an advertisement issued by respondent No.1 for the post of Clerk-cum-Typist pursuant to the advertisement bearing No. 2/2017. Insofar as the educational qualification for the said post is concerned, the requirement was being trained in typewriting in language of Marathi with 30 words per minute and in language of English with 40 words per minute. The examinations were required to be passed from a Government recognized Institution. The candidature of the petitioner was not considered on the ground that the certificate issued to him by respondent No.3 was by an Institute not recognized by the State Government.

3] Perusal of the advertisement in question indicates that the typewriting examinations were required to be passed from a Government recognized Institution. By the order dated 14/2/2022, leave was granted to implead the Institution that had issued the certificate to the petitioner. Accordingly, respondent No.3 was impleaded. However, the said respondent has not chosen to appear pursuant to the notice issued today.

4] We find that presently, in view of the affidavit dated 17/1/2022, there is no vacancy available on the post of Clerk-cum-Typist in the Scheduled Caste category to which the petitioner belongs. The certificate relied upon by the petitioner merely states that the said Institution is registered with the State Government. There is no material on record to hold that respondent No.3 is an Institution recognized by the State Government. The learned Counsel for the

petitioner submits that subsequently, in October – 2021, the petitioner passed Marathi as well as English typewriting examinations that were conducted by the Maharashtra State Council of Examinations, Pune. In the light of the fact that respondent No.1 in its affidavit dated 17/1/2022 has clearly stated that there is no vacancy available on the post of Clerk-cum-Typist coupled with the fact that the petitioner has now secured necessary certificates from the Maharashtra State Council of Examinations, Pune, we can only observe that in case of any future vacancy being filled by respondent No.1, the petitioner would be free to apply for the same and participate in the process of recruitment.

5] In the light of aforesaid, the Writ Petition stands dismissed with no order as to costs.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

SUMIT