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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

903 WRIT PETITION NO. 9324 OF 2024

**PANKAJ TARACHAND SHINDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr L. V. Sangit, Advocate for Petitioners

Mr S. K. Tambe, Addl. G.P. for Respondent Nos.1 & 3

Mr N. N. Desale, Advocate for Respondent No.2

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 5th September, 2024

PER COURT:

1. The Petitioners have put forth prayer clauses (A) and (B), as under :-

“A) For the writ of certiorari order or direction in the nature of certiorari calling for the record and proceeding of the Final Selection List published by respondents Nos. 2 and 3 dated 01.08.2024 in consonance with the Advertisement No.01/2023 for the post of Live Stock Supervisor may kindly be called and after examining the legality, validity and propriety thereof, Final Selection List published by respondents Nos. 2 and 3 dated 01.08.2024 in consonance with the Advertisement No.01/2023 for the post

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of Live Stock Supervisor, to the extent of present petitioners may kindly be quash and set-aside by holding the present petitioners as qualified candidates for the post of Live Stock Supervisor and pass appropriate Orders to that effect.

B) That, pending hearing and final disposal of the present Writ Petition, the execution, implementation and operation of the Final Selection List published by respondents Nos. 2 and 3 dated 01.08.2024 in consonance with the Advertisement No.01/2023 for the post of Live Stock Supervisor be stayed.”

2. We have heard the submissions of the learned Advocates for the respective sides and with their assistance, we have gone through the Petition paper book.

3. Issue is as regards, whether the Petitioners were eligible for being appointed as ‘Livestock Supervisor’. An advertisement was published on 04/08/2023. Both the Petitioners entered their online applications for the post of ‘Livestock Supervisor’. They appeared for the examination. They passed the examination. Their names appear in the provisional merit list. However, in the final selection list dated 01/08/2021, the Petitioners were declared to be ineligible since they did not have

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the certificates of Computer handling knowledge i.e. certificate of 'Maharashtra State Certificate in Information Technology' (MS-CIT). They have been disqualified from the final select list only for the reason that they did not have the requisite MS-CIT certificate qualification.

4. The learned Advocate for the Petitioners has heavily relied upon the Government Resolution dated 19/03/2003, wherein it is mentioned that, those candidates, who are a part of the selection process, for the post of group 'A', 'B' and 'C', conducted after 19/03/2003, and who have been appointed, would be obliged to acquire MS-CIT qualification within two years from the dates of their appointments.

5. The learned Advocate representing the Respondent / Zilla Parishad draws our attention to the advertisement, more specifically Clause 9(5), which mandates that the candidate, who desires to be selected and appointed, must have the formal education certificate of operating a Computer. In short, he must have Computer knowledge and for which MS-CIT is the course, which is available to the candidates in the State of Maharashtra.

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It, therefore, makes it obvious that the advertisement clearly communicated to the aspiring candidates that they should have the MS-CIT certificate.

6. We find from the online form filled in by these two Petitioners that, their form was cleared on the basis of a false statement made which is no less than a misrepresentation. To a question in the form, “*Do you possess a Certificate of computer handling as per the norms given by Information and Technology Directorate Office*”, the Petitioners have answered in the affirmative i.e. “YES”. Factually, this is not just a misrepresentation, but actually is a lie. Both these Petitioners did not have such certificates or formal qualification of Computer handling, as is prescribed by the Information and Technology Directorate. Both typed “YES”, and therefore, their forms got cleared, paving way for appearing for the examination and participating in the selection process.

7. The Rural Development and Water Conservation Department, Mumbai, issued a Notification under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, dated

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13/02/2014, wherein it was clearly mentioned that, those persons who were seeking appointments in various categories, including 'Livestock Supervisor', 'Assistant Livestock Development Officer', etc., they should be holding a formal certificate of various Diploma/Degree qualification and it has been mandated vide Clause (iii) viz. *"possessing the certificate in Computer Operation, prescribed by the Directorate of Information and Technology, Government of Maharashtra from time to time."*

8. It is apparent that, these Petitioners, on the one hand, did not have the MS-CIT certificate and on the other hand, they have conveniently entered a false information in the form, stating that they have such a certificate. The law laid down by the Hon'ble Supreme Court in **Kishore Samrite Vs. State of Uttar Pradesh, (2013) 2 SCC 398** and **Bhaskar Laxman Jadhav Vs. Karamveer Kakasaheb Wagh Education Society, (2013) 11 SCC 531**, would be applicable in such case.

9. In view of the above, we do not find that this case is fit for exercising our Writ jurisdiction or our discretion in favour of the Petitioners.

10. **This Writ Petition is, therefore, dismissed.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

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