

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

WRIT PETITION NO.4417 OF 2024

Smt.Prajakta Rajendra Kuchekar	)	
Age 31 yrs., Natepute,	)	
Taluka – Malshiras	)	
District- Satara, 413 109.	)	.. Petitioner

Versus

1.	The State of Maharashtra	)	
	Through Chief Secretary,	)	
	Ministry of Skill Development and	)	
	Entrepreneurship, Mantralaya,	)	
	Mumbai 400 001.	)	
2.	The Director,	)	
	Directorate of Vocational	)	
	Education & Training	)	
	Maharashtra State,	)	
	3, Mahapalika Marg,	)	
	PO Box No.10036	)	
	Mumbai- 400 001.	)	.. Respondents

Mr.Aditya S. Raktade for the petitioner.
Mr.A.R. Deolekar, AGP for respondents-State.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ.
DATE : 27th March 2024**

Judgment (Per Jitendra Jain, J.) :-

. Rule. Mr.Deolekar, learned Assistant Government Pleader
waives service of notice for respondents-State. By consent of the parties,
the writ petition is heard finally.

2. By this petition under Article 226 of the Constitution of India, the petitioner seeks to challenge the order dated 15th February 2024 passed by the Maharashtra Administrative Tribunal, Mumbai ('Tribunal') whereby the Original Application No.193 of 2024 (OA) filed by the petitioner came to be dismissed.

3. **Brief facts are as under :-**

(i) On 17th August 2024, respondent no.2 issued an advertisement for recruitment to various posts of the Craft Instructor. The petitioner applied for the post of Craft Instructor (Mechanic Tractor & Mechanic Refrigeration and Air Conditioning) and against the option "to be considered under female category", she selected 'Yes.' The petitioner belongs to NT-C female category.

(ii) On 6th October 2023, the provisional list was published and the name of the petitioner did not appear in the same. On 9th October 2023, it is stated in the petition that the petitioner sent an email to respondent no.2 objecting to some female candidates being considered under NT-C category although they had not tick marked the above option. However, having not received any positive response, the petitioner approached the Tribunal by filing an OA.

(iii) On 15th February 2024, the Tribunal dismissed the aforesaid OA and it is on this backdrop that the petitioner is before us today.

4. The basic grievance of the petitioner is that the female candidates who did not opt for option, 'Do you want to opt for the post reserved for Ladies?', have been considered whereas the petitioner who tick-marked the same is not found eligible. The petitioner submits that had only the candidate tick-marked the said option would have been considered then she would have been eligible. The petitioner, therefore, submitted that the impugned Tribunal's order is erroneous and is required to be set aside.

5. Per contra, the respondents have supported the order of the Tribunal and submitted that even if the petitioner's submission is accepted, the other candidates selected is more meritorious since score of the petitioner is less than the meritorious candidates. Furthermore, the respondents submitted that the aforesaid option was available only for female candidates from open category and since the petitioner was from NT-C category, the petitioner has wrongly tick-marked the said option and even on this count, she cannot claim any relief.

6. We have heard the learned counsel for the petitioner and the respondents and with their assistance have perused the documents annexed to the petition.

7. Admittedly, the option 'Do you want to opt for the post reserved for Ladies?' was available only for female candidates from Open Category and since the petitioner had applied not from the Open Category but from NT-C category, she ought not to have tick-marked the said option. Since the said option was not available to the petitioner, the submission made by the petitioner that she should be considered is erroneous. The Tribunal has accordingly given said finding and no perversity has been shown to us on this count nor it is shown how the said finding is wrong. Even otherwise, the petitioner has scored 135.83 marks and the candidates selected from NT-C female category has scored 161.60 marks. Therefore, even on this count, assuming the first submission of the petitioner is to be accepted still she cannot be considered for the said post since the candidate selected is more meritorious than the petitioner.

8. We have not been shown any perversity on this aspect by the petitioner and even therefore on this count, the petitioner cannot claim the benefit since there is only one post available.

9. In view of the above, no interference is called for in the

impugned order of the Tribunal dated 15th February 2024 passed in OA No.193 of 2024. Petition is dismissed. Rule is discharged. No costs.

JITENDRA JAIN, J.

A.S. CHANDURKAR, J.