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

WRIT PETITION NO. 1049 OF 2024

Prashant Natha Pathare

... Petitioner

V/s.

The Pune Municipal Corporation & Ors.

... Respondents

Mr. Nikhilesh Pote with Tanmay Jadhav for the Petitioner

Mr. Abhijit P. Kulkarni with Krushna Jaybhay, Gaurav Shahane and
Sweta Shah for the Respondent Nos. 1 to 3

Mr. R.P. Kadam, AGP for Respondent No. 4

***CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.***

DATE : 07 FEBRUARY 2024

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner applied pursuant to the advertisement dated 6 March 2023 issued by the Respondent – Corporation for filling up the post of Fireman Service Grade III category. The Petitioner is seeking a direction to the Respondent – Corporation to consider the case of the Petitioner under the category “Orphan”.

3. It is an admitted position that the Petitioner did not possess the certificate of “Orphan” on the relevant date stipulated in the advertisement and hence, the Petitioner applied under the Other Backward Class (OBC) Category. It is now after the written examination and the process is complete and it is at the stage of final list that the Petitioner seeks to change the category on the basis of subsequently obtained certificate. The learned Counsel for the Respondent – Corporation points out that it is not permissible under the Advertisement and the Rules.

4. Nothing is shown how such change is permissible, except relying on Clause 7 of the advertisement, which is couched in general terms. Since such a direction sought for is issued to the Respondents, it would be making the Petitioner eligible when he was not eligible on the relevant date. No writ of mandamus as sought for can be issued.

5. The Writ Petition is rejected.

M.M. SATHAYE, J.

NITIN JAMDAR, J.

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