

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7198 OF 2018

Avinash Jagannath Kamble

...Petitioner

Versus

The General Manager Human Resources
Maharashtra State Power Generation Co. Ltd.
And Ors.

...Respondents

Mr. Bhushan Bandiwadkar, for Petitioner.

Mr. A.A. Alaspurkar for Respondent Nos. 1 & 2.

Ms. Nisha Mehra, AGP for Respondent- State.

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

DATE : 6 MARCH 2024

P.C.:

. Heard learned counsel for the parties.

2. The Petitioner had applied pursuant to the advertisement dated 2 February 2016 issued by the Respondent No.1 calling for applications from eligible candidate to fill up vacancies to the post of Technician-3. As per the advertisement, the Petitioner had to submit a certificate of being project affected person by a particular date i.e. 9 March 2016.

3. The Petitioner, as stated in the petition, submitted a certificate along with the application. This certificate was not for "Koyna Hydro

Electric Project”. That being the position, a communication was issued by the office of Respondent No.1- Power Generation Company to the Desk Officer in the State of Maharashtra upon a query raised by the Desk officer forwarded from the Office of the Hon’ble Minister. In this, it was informed that the Petitioner did submit the necessary certificate by 9 March 2016.

4. In the petition, the Petitioner himself has stated that the certificate was not specifically for Koyna Hydro Electric Project. Thereafter, it appears, as per the pleadings of the Petitioner, that the Petitioner approached the authority for a specific certificate. According to the Petitioner, the concerned authority stated that the certificate issued earlier for “Koyna Project” should be considered of Koyna Hydro Electric Project. In the advertisement, for project affected person, it was the certificate for Koyna Hydro Electric Project that was needed. It appears that thereafter, the Petitioner applied for a separate certificate for Koyna Hydro Electric Project after the cut off date on 17 March 2016, which was issued to the Petitioner on 13 February 1997. This was the original case of the Petitioner.

5. The Petitioner by filing additional affidavit has now completely sought to change the case stating that the Petitioner had in fact submitted a proper certificate prior to the cut off date. Going by the pleadings of the Petitioner himself the certificate which was required of Koyna Hydro Electric Project was not before the

authority before the cut off date.

6. If the authority has taken a view that a requisite certificate was not submitted before the cut off date and therefore appointment cannot be granted, the decision cannot be said to be arbitrary. In these circumstances, we are not inclined to interfere in the writ jurisdiction.

7. If any further advertisement is issued or drive for the appointment is undertaken it will be open to the Petitioner to apply with necessary certificate to be considered on its own merits.

8. Writ Petition is accordingly rejected.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)