



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

WRIT PETITION NO. 6584 of 2024

Ravindra Vitthalrao Nimbolkar Vs. State of Maharashtra and others

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

Court's or Judge's order

Mr. N.S.Warulkar, Advocate for petitioner.
Mr. N.S.Rao, AGP for respondents/State.

CORAM : NITIN W. SAMBRE & MRS. VRUSHALI V. JOSHI, JJ.
DATE : NOVEMBER 12, 2024.

1. The respondent no.2 issued an advertisement, thereby inviting applications for the post of 'Assistant Store Keeper', which post was reserved for the Project Affected Persons. The requisite minimum educational qualification for the post of Assistant Store Keeper are as under:

*"(A) passing of Secondary School Certificate Examination; and
(B) Passing of the National Apprenticeship Certificate Examination in engineering trade or passing of the National Trade Certificate Examination for those engineering trades where the National Apprenticeship Certificate Examination is not held.*

Experience : An experience of work of Store handling or Store management or Store Assistant:

*(A) not less than two years after possessing a Diploma,
(B) not less than three years after passing the National Apprenticeship Certificate Examination,
(C) not less than four years after passing the National Trade Certificate Examination, in the Government or Semi-Government or private establishments or any Corporation or any other Institute".*

2. The petitioner, who belongs to backward category appeared in the written examination and also submitted a Certificate dated 14th October,

2020, bearing Outward no.1074/2020 issued by the Deputy Collector, Land Acquisition, Buldhana, certifying that his house and open space to the extent of 108.87 square meters were acquired.

3. Claiming that he belongs to the category of a Project Affected Person, he appeared for examination and secured 134 marks out of 200 as against the 126 marks secured by the respondent no.3 as selected candidate.

4. The provisional list of the qualified candidates came to be published in which the status of the petitioner is shown to be that of under verification. The said fact can be borne out of the Circular No.41 dated 24th November, 2023 wherein the petitioner by 30th November, 2023 was directed to produce the documents for verification. Amongst the other documents, which the petitioner was required to produce was the Certificate of a Project Affected Person.

5. Admittedly, in the case in hand, the Certificate of a Project Affected Person is issued in favour of the petitioner on 9th February, 2024, which led to his disqualification and selection of the respondent no.3.

6. The same has prompted the petitioner to approach before the Maharashtra Administrative Tribunal through Original Application No.1022 of 2024, in which interim relief came to be rejected vide impugned order dated 22nd October, 2024 and as such this petition.

7. The contentions of the counsel for the petitioner are that even if petitioner is issued the Certificate of a Project Affected Person on 9th February, 2024, the same is based on the Certificate dated 14th October, 2023 bearing outward No.1074/2020 and the said document was very much available with the respondents at the time of verification of the documents. According to him, it is for the first time, the petitioner was called upon to submit Certificate of a Project Affected Person vide in an appropriate format vide Circular dated 24th November 2023 by 30th November, 2023. The petitioner applied for issuance of Certificate on 28th November, 2023 i.e. prior to the date on which the Certificate was to be produced. In such an eventuality, his contentions are that the date on which the Certificate was to be produced and subsequent thereto wherein his candidature was kept pending under the head of "Verification", sufficiently lead to only inference being drawn is that the petitioner was a Project Affected Person.

8. As against above, Mr. Rao, learned Assistant Government Pleader for the respondents, would urge that since the petitioner has failed to demonstrate *prima facie* case, the Tribunal was justified in rejecting the prayer for grant of ad-interim relief. Mr. Rao would urge that on the date of verification of the document i.e. 30th November, 2023, as mentioned in Circular No.41 dated 24th November, 2023, the petitioner was not holding a valid Certificate of a Project Affected Person. As such, he has sought dismissal of the petition.

9. Having considered the rival claims, it is apparent that the Certificate certifying that the land of the petitioner was acquired was very much available with the petitioner and claim to have been produced for verification.

10. Apart from above, the very said Certificate is found to be the basis for issuance of the Certificate dated 9th February, 2024 certifying that the petitioner is a Project Affected Person.

11. It is also not in dispute that the candidature of the petitioner was kept pending for verification and on the date of verification, his application for issuance of the Certificate as Project Affected Person in an appropriate format was pending consideration.

12. That being so, we deem it appropriate to dispose of the present petition with directions not to filling up the post in the Original Application of the petitioner is decided. Hearing of the Original Application is expedited.

13. It is clarified that in case if the respondent no.3 is occupying the post of the Assistant Store Keeper as against the claim of the petitioner, the respondent no.3 be informed about the present order and his selection shall be subject to outcome of the Original Application.

14. The petition accordingly stands partly allowed and disposed of.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W.SAMBRE, J.)