



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

**WRIT PETITION NO.3072 OF 2024**

Dipak Bhagwat Doke,  
Age : 29 years, Occ. Private Service,  
r/o. Kalegaon (Haveli),  
Tq. and Dist. Beed

..Petitioner

Vs.

1. The State of Maharashtra,  
Through its Secretary,  
Ministry of Energy,  
Maharashtra State,  
Mantralaya, Mumbai
2. Maharashtra State Electricity  
Distribution Company Pvt. Ltd.,  
"Prakashgad", Plot No.G-9,  
Bandra (East), Mumbai - 51  
Through its Managing Director
3. Chief Engineer,  
Mahavitaran,  
(Maharashtra State Electricity  
Distribution Company Pvt. Ltd.),  
Regional Circle Officer, Latur,  
Vidyut Bhavan, 1<sup>st</sup> Floor,  
Old Power House, Sale Galli, Latur,  
Tq. and Dist. Latur
4. Superintending Engineer  
Mahavitaran  
(Maharashtra State Electricity  
Distribution Company Pvt. Ltd.)  
Beed Circle, Jalna Road, Beed
5. Director of Vocational Education  
and Training, Maharashtra State,  
(Vyavasaya Shikshan Va Prashikshan

Sanchalanalaya, Maharashtra State)  
Mahapalika Marg, Mumbai

6. Principal,  
Government Industrial Training  
Institute (ITI),  
Nagar Road, Beed,  
Tq. and Dist. Beed

..Respondents

-----  
Mr.S.S.Kulkarni, Advocate h/f. Mr.V.P.Sawant, Advocate for petitioner  
Mr.A.R.Kale, Addl. Govt. Pleader for respondent nos.1, 5 and 6  
Mr.A.R.Salve, Advocate for respondent nos.2 to 4  
-----

**CORAM : R.G.AVACHAT AND**  
**NEERAJ P. DHOTE, JJ.**  
**DATE : JULY 11, 2025**

**ORDER :-**

Heard.

2. The petitioner, in response to the Advertisement No.5 of 2019, applied for the post of Sub-Station Assistant. He underwent the entire recruitment process and has been selected for the said post. The respondent - MSEDCL has, however, denied him the appointment, on the ground of he to have had not earned the requisite educational qualification (as contained in the advertisement) on the date the advertisement was published. It is, therefore, necessary first to refer to the requisite clause relating the educational qualification, which reads thus:-

**२. दिनांक २६/०७/२०१९ अखेर शैक्षणिक अर्हता :-**

महाराष्ट्र राज्य माध्यमिक व उच्च माध्यमिक शिक्षण मंडळ (एम.एस.बी.एस.एच.एस.सी.ई) यांचे १०+२ बंधामधील माध्यमिक शालांत परीक्षा उत्तीर्ण प्रमाणपत्र किंवा तत्सम परीक्षा उत्तीर्ण आणि औद्योगिक प्रशिक्षण संस्थेतील व्यवसाय पाठ्यक्रम पूर्ण केल्यावर राष्ट्रीय व्यवसाय प्राशिक्षण परिषद, नवी दिल्ली यांनी वीजतंत्री/तारतंत्री अथवा सेंटर ऑफ एक्सलन्स (इलेक्ट्रीकल सेक्टर) व्यवसायासाठी दिलेले राष्ट्रीय व्यवसाय प्रशिक्षण प्रमाणपत्र अथवा दोन (२) वर्ष पदविका (वीजतंत्री/तारतंत्री) प्रमाणपत्र.

आणि

शिकाऊ उमेदवार अधिनियम, १९६१ अन्वये राष्ट्रीय शिकाऊ उमेदवारी पूर्ण झाल्यानंतर वीजतंत्री/तारतंत्री व्यवसायातील अथवा सेंटर ऑफ एक्सलन्स (इलेक्ट्रीकल सेक्टर) मधील राष्ट्रीय व्यवसाय प्रशिक्षण परिषद, (एनसीटीव्हीटी) नवी दिल्लीकडून देण्यात येणारे प्रमाणपत्र.

3. Close reading of the aforesaid clause would indicate that on the date of the advertisement, the petitioner should have completed 10 + 2 standards, besides clearing the course of Wireman through I.T.I. The word “तत्सम” in the advertisement, indicates that if any equivalent qualification for 10 + 2 has been recognised and acquired by an applicant, the same would also do. The State of Maharashtra, vide Government Resolution dated 20.05.2011, has declared that a candidate passing the preparatory examination and first year of any Degree course of Yashwantrao Chavan Maharashtra Open University (YCMOU) would be considered to have completed 10 + 2 qualification. Meaning thereby, in the case in hand, when, admittedly, the petitioner has cleared the preparatory examination

and first year of Degree course from YCMOU, he has to be considered to have earned the educational qualification equivalent to 10+2.

4. So far as regards another qualification to clear the course of Wireman through I.T.I., he had already done so. The difference is that he had done the said course after passing 8<sup>th</sup> standard examination. To our pointed query, learned counsel for the parties submit that the training of the said course was same as if the training is undertaken by a candidate after passing the 12<sup>th</sup> standard examination. As such, in our considered view, the petitioner had earned the requisite qualification for the post of Sub-Station Assistant as per the advertisement. The respondent - MSEDCL, therefore, ought not to have denied him the appointment.

5. It is informed that there is no any other hindrance in issuing the appointment order to the petitioner. He holds the medical fitness certificate and the character certificate as well.

6. In the peculiar facts and circumstances of the case, we are inclined to allow the Writ Petition. The same is allowed in terms of prayer clause (A), which reads as under:-

A) For a writ of mandamus, Order or direction in the nature of mandamus, directing the respondents Nos.2 to 4 herein to issue the Appointment Order in favour of the petitioner on the post of Upakendra Sahayyak (Sub Station Assistant) pursuant to the recruitment process initiated, vide Advertisement No. 5/2019 (Exhibit 'A') within such stipulated period as this Hon'ble Court may deem, fit and proper.

7. The respondents are expected to issue the petitioner the appointment order within a period of one month from the date of receipt of a copy of this order, if there is no any other hurdle.

**[NEERAJ P. DHOTE, J.]**

**[R.G. AVACHAT, J.]**

KBP