



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.5542 OF 2014

Chandrabhan s/o Babarao Dhotre ... PETITIONER

**VERSUS**

The State of Maharashtra & Others ... RESPONDENTS

.....  
Mr. V.C. Patil Ashtekar, Advocate for Petitioner  
Mr. A.B. Girase, Govt. Pleader for Respondents No.1 & 2  
.....

CORAM: ALOK ARADHE, CJ. &  
ARUN R. PEDNEKER, J.

DATE: 21st MARCH, 2025.

**ORAL JUDGMENT (PER : CHIEF JUSTICE) :**

1. Rule. Rule is made returnable forthwith. By consent of the learned Counsel for the parties, the Writ Petition is heard finally.

2. This Writ Petition takes an exception to an order dated 11/4/2014, passed by the Maharashtra Administrative Tribunal, Bombay, Bench at Aurangabad, by which the

Original Application preferred by the Petitioner has been dismissed.

3. Facts giving rise to filing of this Writ Petition, briefly stated, are that, the Petitioner got himself enrolled as an Advocate on 15/7/2004. The Maharashtra Public Service Commission issued an advertisement on 13/3/2012 for filling up the posts of Assistant Public Prosecutors. The Petitioner submitted an application in pursuance of the aforesaid advertisement and on 27/5/2012, appeared for written/ screening test. An interview call letter, on 14/9/2012 was issued to the Petitioner. A selection list was published on 13/2/2013, which enrooted the name of Respondent No.3.

4. The Petitioner thereupon submitted a detailed representation on 4/3/2013 to Respondent No.2. Thereafter the Petitioner filed Original Application before the Maharashtra Administrative Tribunal, Bombay, Bench at Aurangabad. The Tribunal, by an order dated 11/4/2014, dismissed the Original Application filed by the Petitioner.

5. Learned Counsel for the Petitioner submits that, the Respondent No.3 ought to have been selected from the

Female category and not from General category. It is fairly admitted by learned Counsel for the Petitioner that the Respondent No.3 has secured 54 marks whereas the Petitioner has secured only 49 marks.

6. On the other hand, learned Government Pleader for Respondents No.1 and 2 has submitted that the contention of the Petitioner is misconceived as the Respondent No.3 was more meritorious. Therefore, she was selected against O.B.C. General category and not against the post reserved for O.B.C. Women category.

7. We have considered the submissions made by learned counsel for the parties and have perused the record. Admittedly, the Respondent No.3 is more meritorious than the Petitioner as she has secured 54 marks whereas the Petitioner has only secured 49 marks. The Respondent No.3, therefore, has rightly been selected against the seat meant for O.B.C. General category. The contention of the Petitioner that the Petitioner should have been selected against the seat meant for O.B.C. Women category is misconceived.

8. The order passed by the Maharashtra Administrative Tribunal has been passed by assigning valid and cogent reasons. The impugned order does not call for any interference in the absence of jurisdictional infirmity or perversity in the same.

9. For the aforementioned reasons, we do not find any merit in the Petition. Hence the Petition is dismissed. Rule discharged.

**(ARUN R. PEDNEKER, J.)**

**(CHIEF JUSTICE)**

FMPathan/-