

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11657 OF 2024

Nilesh Hiralal Kuril

VERSUS

The State Of Maharashtra Through Its Secreray And Others

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Advocate for the Petitioner : Mr. Deshmukh Arvind S.

AGP for Respondent/State : Mr. P.S. Patil

Advocate for Respondent Nos.2 & 3 : Ms. Anjali Dube

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**CORAM : S.G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATED : MARCH 04, 2025

PER COURT :

1. Heard the respective counsels.
2. The petitioner has impugned the list published by the corporation in which the petitioner has been declared ineligible for the post of Multipurpose Worker for the reason that he does not have the requisite qualification as per the advertisement. The petitioner has applied from general as well as scheduled caste categories. In the provisional list, his name was included. However, the objections were invited. The petitioner has raised the objection. Thereafter, the petitioner found ineligible from both categories. Hence, he is before the Court.
3. The Municipal Corporation, Aurangabad has issued the advertisement on 15.06.2024 inviting the applications for Multipurpose Workers and the requisite qualification for the post was

12th pass in Science Faculty plus Paramedical Basis Training Course or Sanitary Inspector Course. The petitioner has done the diploma in Ophthalmic Assistant. He would submit that the diploma he possess is equivalent to Paramedical Basis Training Course or Sanitary Inspector Course. Therefore, he cannot be declared ineligible. He would submit that the information sought by the corporation from the competent authority was not the condition in the advertisement. The petitioner has completed the course from Maharashtra University of Health Sciences, Nasik. His course is equivalent to the qualification asked for in the advertisement. He also relied on the experience certificate.

4. The contesting respondents by way of an affidavit in reply have specifically denied the contention of the petitioner. They had a case that the educational qualification the petitioner possesses is not equivalent to the qualification sought in the advertisement. Paramedical course and the course done by the petitioner are altogether different. The education imparted to the courses are altogether different. Learned counsel for the respondents has also placed on record the recognized subjects for paramedical course as well as the course done by the petitioner. Referring to this document, she has vehemently argued that the course of paramedical training or sanitary inspector is apparently different than the course the petitioner has done. She also placed on record the subjects taught to

the petitioner for the course he has done and referring to this subject, it has been submitted that the subjects which are taught to the course of Paramedical Basis Training Course or Sanitary Inspector Course does not match. The services to be rendered by the paramedical employee or the sanitary inspector are altogether different from the candidate possessing Ophthalmic diploma. The sanitary inspector has to do the field work and many responsibilities are imposed upon him. Referring to para 8 of the affidavit in reply, she has shown the duties to be rendered by the Paramedical Basis Training Course or Sanitary Inspector Course. Lastly, it has been argued that the provisional list was prepared to the knowledge of all the candidates. Thereafter, to verify the eligibility more scrupulously, the objections were invited and then another list which is impugned before this Court has been published declaring the names of the candidates eligible and ineligible. It has been argued by the learned counsel for the contesting respondents that apparently there is no illegality and discrimination committed by the corporation.

5. Learned counsel for the petitioner has vehemently argued that the subjects taught in both courses are same. Therefore, no differentiation could be made. The petitioner was selected from two categories and belatedly he has been declared ineligible. Referring to the subjects of the course the petitioner did, he has tried to convince the Court that the subjects of both courses are equivalent. He would

submit that the information sought by the Government is a new information which was not based upon the fact. The colleges impart such training or course. The petitioner did the course from the recognized university of Nasik. Therefore also, no differentiation could be made. He prayed to quash the impugned list and add him in the list of eligible candidates.

6. We have perused the record with the able assistance of both counsels. The educational qualification in the advertisement was very specific that the candidates should be 12th pass in Science Faculty plus Paramedical Basis Training Course or Sanitary Inspector Course. We have compared the subjects taught to both courses i.e. paramedical course as well as the Ophthalmic diploma course and satisfied that the education of both courses are different. The duties to be performed by the candidates as required by the corporation are also different. The said candidate has to do the field work. On the contrary, the Ophthalmic work is normally done in the hospital that has been called as clinical work. The record supports the case of the contesting respondents. The elaborate affidavit in reply also throw the light on the requisite qualification for the post advertised. We do not find substance in the submissions of the learned counsel for the petitioner that the qualification of the petitioner is equivalent to the qualification sought in the advertisement. Apparently, no discrimination and perversity has been made in declaring the list

impugned in this petition. There is no substance in the petition.
Hence, the petition stands dismissed. No order as to costs.

(SHAILESH P. BRAHME, J.)

(S.G. MEHARE, J.)