



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

WRIT PETITION NO.4922 OF 2024

Shri Rugved s/o Jagdish Sathawane, aged 23
years, Occ. Student, r/o Adarsh colony,
Kesalwada, Canal Road, Sahkar Nagar,
Bhandara 441904

... PETITIONER

VERSUS

1. State of Maharashtra, through its Principal
Secretary, Department of Pharmacy,
Mantralaya, Mumbai
2. Chief Executive Officer, Zilla Parishad,
Bhandara.
3. Selection Committee, Members, Z.P.
Bhandara.
4. Collector, Bhandara.

... RESPONDENTS

Mrs. S.P. Deshpande, Advocate for the petitioner.
Shri P.P. Pendke, Assistant Government Pleader for the respondent
nos.1 and 4/State.
Shri R.S. Khobragade, Advocate for respondent no.2.

CORAM : SMT. M.S. JAWALKAR AND PRAVIN S. PATIL, JJ.

DATE : 21.08.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

Heard. **RULE.** Rule is made returnable forthwith.

2. This Court vide order dated 22.08.2024 issued notices for final disposal stating that selection and appointment shall be subject to the final outcome of the present petition.

3. It is stated by the petitioner that notice of this petition was personally served on respondent no.3 on 03.02.2025 and acknowledgment of the same is also filed on record. However, no one appeared on behalf of respondent no.3 in the matter. In view of the urgency expressed by the petitioner in the petition, today, the same is taken for final disposal with the consent of the parties.

4. In the present petition, the grievance raised by the petitioner is that he stood first in the list of qualified candidates for the post of Pharmacy Officer, published on 26.12.2023. Accordingly, by communication dated 15.05.2024 respondent no.3 Selection Committee called the petitioner for verification of the documents on 22.05.2024. Though the petitioner remain present for verification of the documents however, in the final selection list published by the respondent no.3 on 06.08.2024, name of the petitioner for the post of Pharmacy Officer was not found in the final selection list nor even shown in the waiting list of the candidates who were held eligible for

the said post.

5. Thereafter, the petitioner on 07.08.2024 raised an objection regarding the final selection list published for the post of Pharmacy Officer by respondent no.2, however no cognizance was taken of the same, in the background of this factual position, the petitioner constrains to approached before this Court.

6. In the present petition, it is an admitted fact that respondent no.3 Selection Committee issued Advertisement no.1/23 on 05.08.2023 for filling up group 'C' post at Zilla Parishad, Bhandara through open recruitment including the post of Pharmacy Officer. According to the terms of the advertisement, the qualification required for the post of Pharmacy Officer, as mentioned in Annexure 'B' of the advertisement, is that the candidate must possess a Degree or Diploma in Pharmacy and must be registered himself under the provisions of the Pharmacy Act, 1948 (for short hereinafter referred to as 'the Act 1948') by the competent Pharmacy Council.

7. In the present petition, it is undisputed fact as stated by the petitioner himself in the petition that the petitioner has registered under the Act 1948 on 22.02.2024 and certificate to that effect bearing no.420801 was issued by the Maharashtra State Pharmacy Council to

him on under the Act 1948 on 22.02.2024. Hence, it is clear from the above submission of the petitioner, that on the date of issuing of Advertisement, the petitioner was not registered under the Act.

8. It is further pertinent to note that though petitioner got registered under the Act, 1948 on 22.02.2024 but while uploading the application form for the post of Pharmacy Officer, under the caption in the application “whether the candidate is a registered pharmacist under the Act”, the petitioner answered ‘Yes’. Hence, on the basis of this submission of the petitioner, the respondent Selection Committee proceed to consider his claim and relying on his statement declared the selection list, where he found 1st amongst all. It was for the first time, during the document verification process, that the Selection Committee realized that, at the time of the advertisement and submission of the application, the petitioner did not possess registration under the Pharmacy Act. The same was registered during the process of recruitment. Therefore, the Selection Committee rightly discarded the claim of the petitioner.

9. It is well settled position of law i.e. “rules of game” for the selection of candidates can not be changed midway once the recruitment commences. This rule is applicable to both the appointing

authority and candidate participating in recruitment exercise. Hence, in our view cut-off date i.e. date of application for the post is the relevant date and candidates, who were possessing requisite qualification are eligible candidate for the post. Qualification acquired during recruitment process cannot be considered by the Selection Committee.

10. According to us, the declaration of qualified candidates is only one step in the selection process. The process is considered complete only after the final selection list is published. In between the Selection Committee is always at liberty to verify the documents and considered the eligibility of the candidate. Hence, merely because the petitioner's name found on top of selected candidate list, the same does not create any right in his favour to claim appointment.

11. Therefore, in our considered opinion, we do not find any illegality committed by the respondent in the matter. Accordingly, the petition devoid of merits, the same stands dismissed. No costs.

12. Rule stands discharged. No order as to costs.

(PRAVIN S. PATIL, J.)

(SMT. M.S. JAWALKAR, J.)

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