

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11447 OF 2025

Bhushan Bhalchandra Apte	]	Petitioner
versus		
The State of Maharashtra and others	]	Respondents

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Mr. Chaitanya S. Kulkarni, for Petitioner.

Mr. Siddheshwar B. Kalel, A.G.P, for Respondent – State.

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**CORAM : R.G. AVACHAT AND
AJIT B. KADETHANKAR, JJ.**

DATE : 8th JANUARY, 2026.

ORAL ORDER: [PER AJIT B. KADETHANKAR, J.]:

1. Heard Mr. Kulkarni, learned Counsel for the petitioner and Mr. Kalel, learned A.G.P, for respondent – State. We have heard this petition for final disposal by consent of the parties.

2. The petitioner suffers intellectual disability certified by the Competent Medical Authority at the rate 55%.

3. The requisite qualification of SSC standard for the post of Class IV category contained in the Advertisement No.3149 of 2025 issued by the

Medical Education and Drugs Department, Government of Maharashtra is the subject matter of the present petition.

4. It is an admitted fact that the petitioner does not have requisite educational qualification i.e the petitioner has not passed SSC standard. The sum and substance of the learned Counsel for the petitioner's argument is that employing the minimum education qualification of holding SSC certificate is an arbitrary condition. Mr. Kulkarni, learned Counsel for the petitioner would submit that although some reservation is provided for the disabled persons in the recruitment process, the candidates specially abled like the petitioner i.e intellectually disabled can even not passed SSC examination. He would further submit that condition of passing SSC examination for Class IV posts frustrates the very object of the Rights of Persons with Disabilities Act, 2016. As such, he challenges the educational qualification in the subject matter advertisement and seeks direction to the respondents to allow the petitioner to participate in the selection process.

5. To counter, Mr. Kalel, learned A.G.P would submit that Recruitment Rules applicable to subject matter selection process provide that the minimum educational qualification to participate in the selection

process is 10th standard for the Class IV posts to which learned Counsel for the petitioner is *ad idem*. He further submits that the petitioner was not educationally qualified to participate in the selection process.

6. We have heard learned Counsel for the parties at length. We are satisfied that it is an admitted position that minimum educational qualification to participate in the selection process is 10th standard. Admittedly, the petitioner does not qualify the requisite educational qualification so enumerated in the recruitment process. It is also matter of fact that the petitioner has not challenged the Recruitment Rules, which deprived him from competing the selection process. For want of such challenge, the prayers in the petition can not be granted.

7. In view of this, the prayers fall short on merits, hence, it stands dismissed.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT J.]