



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

WRIT PETITION NO.2553 OF 2025

Ravindra Vitthalrao Nimbolkar, R/o Fattepurwadi, Behind Gajanan Maharaj Mandir,
Mothi Umri, Akola

vs.

State of Maharashtra, Thr. Secretary, Department of Skill, Employment, Entrepreneurship
and Innovation, Madam Cama Road, Mantralaya, Mumbai and ors.

Mr. N. S. Warulkar , Advocate for petitioner.

Mr. D. P. Thakre, Addl. .G.P. for respondent Nos.1 and 2.

CORAM :- ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE :- 27th APRIL, 2026.

P. C.

Heard the learned counsel appearing for the respective parties.

2. In the present matter, the order dated 21/04/2025 passed by the learned Maharashtra Administrative Tribunal, rejecting the Original Application No.1022/2024 preferred by the petitioner is under challenge.

2. The brief facts of the present case are as under :

The petitioner has applied for the post of 'Assistant Store Keeper' reserved for Project Affected Person (PAP). The petitioner appeared for examination and secured 134 marks out of 200. In the list of qualifying candidates, the remark against the name of petitioner was 'Under Verification'. However, it was revealed that while applying for the post of Assistant Store Keeper reserved for PAP, the petitioner did not submit the PAP certificate. Subsequently, it is further revealed that the PAP certificate was granted to the

petitioner on 09/02/2024, even much after the date of verification of documents i.e. 01/01/2024.

3. Considering the fact that PAP certificate was not available with the petitioner on the date of submission/filing of the application and even on the date of verification of documents, the learned Tribunal dismissed the OA by making following observations :

“8. Reverting to the Advertisement No. 02/2022, we have adverted to clause 18.6 which specifies that the candidate has to upload all requisite qualification documents (herein P.A.P. Certificate) along with online application form. Clause 18.7 and 18.8 clarifies that the candidate will be allowed to participate in the recruitment process subject to original certificate verification, based on the information mentioned in the application.

*9. Our attention has also been invited to Clause 11.5 which provides the requirement of having valid P.A.P. Certificate. There is no manner of doubt that on the date of application, the applicant does not have the valid certificate, which he applied later and received after declaration of result. Merely because the result sheet shows the remark "Under Verification" the applicant cannot accord the benefit and relaxation to consider on the basis of documents which were obtained after the declaration of result. The Id. counsel for the applicant would submit that on the basis of earlier certificate dated 14.10.2020; the applicant was treated as P.A.P. person and, therefore, his candidature could not have been rejected. In support of said contention, reliance is placed on the decision of Hon'ble Bombay High Court in case of **Kalpesh S/o Ashok Kolte & Ors. Vs. State of Maharashtra & Ors.** (W.P. No. 6195/2013) decided on 25.09.2013. The said decision is distinguishable on facts. It reveals that the than respondent "employer has treated the petitioner as P.A.P., afforded them training and also paid stipend and in such eventuality the candidature was considered by accepting production of P.A.P. Certificate. The case in hand is quite distinct, the applicant was never recognized as P.A.P. person nor participated in training program but it is a fresh appointment wherein the applicant does not acquire the requisite criteria on the date of*

advertisement. The Id. counsel for the applicant would submit that till date the applicant was not communicated the rejection. The Id. P.O. would submit that the applicant was orally informed about the rejection. Though it is not the approved mode to orally informed the result, however, the net result is that his candidature was rejected.”

4. Shri Warulkar, learned counsel appearing for the petitioner argued that the petitioner submitted PAP certificate dated 14/10/2020 along with the application. He further submits that in the select list the remark column showed remark ‘Under Verification’ and therefore though subsequently the document was obtained by the petitioner as PAP, the respondent ought to have considered the same. For this purpose, he placed reliance on the judgment of the coordinate bench of this Court in case of *Kalpesh s/o Ashok Kolte & Ors. vs. of Maharashtra and others* reported in **2014 (2) Mh L. J. 239.**

5. Shri D. P. Thakare, learned Additional Government Pleader appearing for the respondent/State strongly opposed the petition. He submits that it is a settled law that the aspirant for public employment is required to acquire the eligibility on or before the last date of filing the application and the eligibility of the candidate has to be judged with reference to that date and that date alone. It is submitted that, a person who acquires the prescribed qualification subsequent to such prescribed date, cannot be considered at all. For this purpose, the learned Additional Government Pleader placed reliance on the judgment of the coordinate Bench of this Court dated 23/03/2022 in Writ

Petition No.9213/2019 (*Sushila Dilip Mestri vs. State of Maharashtra and others*).

6. Having gone through the record, it is evident that the petitioner was not having the PAP certificate in his name on the date of submission of the application. The PAP certificate submitted was dated 14/10/2020, which was in the name of Vitthal Kisan Nimbolkar, i.e. in the name of father of the petitioner.

7. There is no dispute that the PAP certificate holder is only entitled to claim employment and not the family members of such PAP certificate holder.

8. Thus, the certificate in the name of father of the petitioner which was submitted along with the application does not give any right to the petitioner to apply for the post reserved for PAP category.

9. It is further an admitted fact that the PAP certificate received by the petitioner in his name was received on 09/02/2024; whereas, the merit list was published on 24/11/2023 and the date for document verification was 01/01/2024.

10. It is to be noted that verification of the documents does not mean to allow the candidate to file on record additional documents which were not filed along with the application. The purpose of verification of documents is

to verify the genuineness of the true copies of documents filed at the time of submission of the application.

11. The coordinate Bench in the case of *Sushila Mestri* (supra), while considering the relevance of accompanying the documents on the last date of filing of the application in the context of acquiring eligibility by any aspirant for public employment, has held thus:

“ 5. In terms of the advertisement dated 30th April 2014, the last date for filing applications was 25th May 2014. Having regard to the law laid down by the Supreme Court in its decision in Ashok Kumar Sharma & Ors. V/s. Chander Shekhar & Anr. (1997) 4 SCC 18, an aspirant for public employment is required to acquire the eligibility on the last date for filing the applications. As held in such decision, the eligibility of the candidates shall have to be judged with reference to that date and that date alone; also, a person who acquires the prescribed qualification subsequent to such prescribed date cannot be considered at all. While holding so, the Supreme Court held that the judgment and order under review taking a contrary view did not lay down the correct position of law and that there was a clear error of law apparent on the face of the record.

6. Although Ashok Kumar Sharma (supra) dealt with a case where 32 candidates who were appointed did not possess the requisite academic qualifications on the last date for filing applications, we see no reason why the ratio of such decision may not be made applicable on facts and in the circumstances. Any aspirant seeking appointment in a reserved vacancy, be it vertical or horizontal, can only be considered if he/she possesses the relevant certificate; and if it is the requirement of the advertisement that such certificate must accompany the application, there can be no two opinions that the certificate must be available at least on the last date for receipt of applications so that it can accompany the application for appointment. In the absence of the certificate, the application is liable to be rejected treating it as incomplete.

7. In this connection, we may also refer to the decision of the Supreme Court in District Collector & Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram & Anr. V/s. M. Tripura Sundari Devi (1990) 3 SCC 655, where it has been held in paragraph 6 as follows:

"6. It must further be realized by all concerned that when an advertisement mentions a particular qualification and an appointment is made in disregard of the same, it is not a matter only between the appointing authority and the appointee concerned. The aggrieved are all those who had similar or even better qualifications than the appointee or appointees but who had not applied for the post because they did not possess the qualifications mentioned in the advertisement. It amounts to a fraud on public to appoint persons with inferior qualifications in such circumstances unless it is clearly stated that the qualifications are relaxable. No court should be a party to the perpetuation of the fraudulent practice. We are afraid that the Tribunal lost sight of this fact."

8. The aforesaid decision is an authority for the proposition that it would amount to a fraud on public if an appointment were made in disregard of the terms of the advertisement, unless the qualifications are relaxable. It has not been shown that the qualifications were relaxable in this case in the sense that the certificate could be submitted later on or even at the interview; therefore, we have no other option but to hold that the terms of the advertisement being inflexible, we cannot by a judicial fiat bring about a situation of fraud being committed on the public by taking a lenient view."

12. In the circumstances, by applying the principles laid down by the above referred judgment, we are of the opinion that the findings recorded by the Tribunal do not warrant any interference.

13. Similarly, the judgment relied upon by the learned counsel for the petitioner in case of *Kalpesh Ashok Kolte* (supra) is distinguishable as observed by the learned Tribunal. The petitioner therein was recognized as PAP, he was offered training and also the employment. In the present matter, it is not the case of the petitioner that he was recognized as PAP or he was offered employment. In the circumstances, the said judgment is not applicable to the facts of the present case.

14. As observed herein above, we are of the opinion that the findings recorded by the Tribunal do not warrant any interference. Accordingly, the writ petition is dismissed. No order as to costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)

Asmita...