



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

WRIT PETITION NO.4170 OF 2025

Rajesh S/o. Vishwanathrao Ther .Vs. The State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr A. P. Tathod, Advocate for the petitioner/s
Mr A. V. Palshikar, AGP for respondent Nos. 1 to 3/State

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATED : 23rd FEBRUARY, 2026.

Heard learned counsel for the petitioner.

2. In this petition, the petitioner is challenging the impugned judgment dated 16.12.2024 passed by the learned Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur (for short 'the learned Tribunal') in OA.No. 601 of 2018.

3. The respondent No.3 has issued an advertisement on 21.01.2016 for various posts. The petitioner was qualified for the post of 'Multi-purpose Health Worker' and accordingly, he applied for the said post. The respondents have not selected the present petitioner because he did not comply with the condition mentioned in the advertisement i.e. the experience of 90 days as a 'Seasonal Spraying/Health worker'.

4. The learned Tribunal, after hearing both the parties, recorded a specific finding that the applicant/petitioner had completed only 30 days as a 'Seasonal Spraying Worker' and thus, the petitioner was short of 60 days of the

required experience. The aforesaid fact is not disputed by the learned counsel for the petitioner.

5. The learned counsel for the petitioner submits that the aforesaid condition imposed in the advertisement is unsustainable in the eyes of law, *inasmuch* as no such appointments have been made since the year 2005, and consequently, there are several candidates who do not possess such experience.

6. However, the fact remains that the applicant, who is now seeking to challenge the condition in the advertisement, has not challenged the aforesaid advertisement dated 21.01.2016 at earlier point of time. On the contrary, the applicant has accepted the aforesaid condition, participated in the selection process and after his rejection, has challenged the same before the learned Tribunal.

7. Even before the Tribunal, the petitioner did not raise any such challenge, and it is for the first time before this Court that he has challenged the condition in the advertisement. Such a challenge at this belated stage cannot be entertained.

8. In view of the above and for the reasons as stated above, the writ petition is **dismissed**. No order as to costs. Pending applications, if any, also stand disposed of.

[RAJ D. WAKODE, J]

[ANIL S. KILOR, J.]