

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
**WRIT PETITION NO.6880 OF 2014**

Vishal s/o. Venkatrao Madne ..Petitioner

versus

The State of Maharashtra  
and ors. ..Respondents

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Mrs.Savita Madne (Narwate), advocate for  
petitioner

Mr.S.G.Karlekar, AGP for respondent nos.1 and 4

Mr.S.S.Dande, advocate for respondent nos.2 and 3

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**CORAM : S.S. SHINDE AND  
SANGITRAO S. PATIL, JJ.  
DATE : MARCH 31, 2016**

**PER COURT :**

Heard learned counsel for the petitioner. He submits that the petitioner is a landless person and comes under the category of Projected Affected Person and to that effect a certificate has also been issued in his favour. He therefore submits that the petitioner's candidature for the post advertised, ought to have been considered by the

respondents by selecting and appointing him to the said post.

2] Learned counsel for respondent nos.2 and 3, relying upon the averments made in the affidavit-in-reply filed by respondent nos.2 and 3 and in particular, paragraph 9 thereof, submits that the petitioner has applied from open category. He has secured only 80 marks out of 180 in the written examination conducted by respondent nos.2 and 3. The cut-off list for the candidates from open category is closed on 144 marks.

3] We have given careful consideration to the submissions of learned counsel appearing for the petitioner; learned AGP appearing for respondent nos.1 and 4 and learned counsel appearing for respondent nos.2 and 3. With their able assistance, we have perused the pleadings and grounds taken in the petition and averments made

in the affidavit-in-reply filed on behalf of respondent nos.2 and 3.

4] It is not in dispute that the petitioner has applied from the open category since no post was reserved for the category of Project Affected Persons. As submitted by learned counsel for respondent nos.2 and 3 and as reflected in paragraph 9 of the affidavit-in-reply filed by respondent nos.2 and 3, the petitioner has secured 80 marks in the written examination conducted by respondent nos.2 and 3. The cut-off list for the candidates from open category is closed on 144 marks. In that view of the matter, we are unable to grant any relief to the petitioner.

5] The petition deserves to be dismissed and the same stands dismissed.

6] Needless to observe that, as and when the respondents will issue an advertisement for the

category of Project Affected Persons, the petitioner may apply.

[**SANGITRAO S. PATIL, J.**]

[**S.S. SHINDE, J.**]

kbp