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wp3710.24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 3710 OF 2024

KISHOR ANIL WAVHAL

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

Mr.S.S. Gangakhedkar, Advocate for the Petitioner.

Mr.D.R.Korade, AGP for Respondent No.1.

Mr.S.P. Urgunde, Advocate for Respondent Nos. 2 and 3.

CORAM : RAVINDRA V. GHUGE &
R.M. JOSHI, JJ.

DATED : 17.04.2024

PC :-

01. We have heard the learned Advocates for the respective sides.

02. **Issue notice** to the Respondents, returnable on 12.06.2024. The learned AGP waives service of notice on behalf of Respondent No. 1. The learned Advocate Mr. Urgunde waives service of notice on behalf of Respondent Nos. 2 and 3.

03. Issue is with regards to the appointments to the post of Fireman. The Petitioner has secured 96.5 marks out of 200. The educational qualification is SSC along with a six months advanced course as a Fireman

under the National or State Fire Brigade Training Center / Maharashtra Fire Brigade Service Academy. Clause 8.7 of the advertisement on internal page 13, indicates that the educational qualifications inclusive of the fireman training course, would be a pre-requisite and the date on the result sheet / marks memo would be considered as the date for reference towards having acquired the training as fireman. Clause 8.3 of the advertisement mandates the closing time for payment of online fees up to 23.59 hours on 12.09.2023. The last date for filing online application was up to 23.59 hours on 12.09.2023. The online application forms were available from 23.08.2023.

04. There is no dispute that the date on the marks memo of the Petitioner is 15.09.2023, that is three days after the cut off date 12.09.2023, which, *prima facie*, runs counter to clause 8.7 of the advertisement.

05. The learned Advocate representing the Municipal Corporation draws our attention to the communication dated 29.02.2024 addressed to 5 candidates who had also applied for the post of Fireman. These five candidates, which include the Petitioner, have been intimated that their names have been deleted from the select list. All these five persons had secured their

marks list / exam result on 15.09.2023 and, therefore, these five names have been deleted from the select list.

06. Let the Municipal Corporation file an affidavit-in-reply at least one week prior to the returnable date in this matter. If time permits, we would hear this matter finally at admission stage. To balance the equities, appointments made to the posts of Fireman, would be subject to the result of this Petition.

07. List Writ Petition Nos. 2989 of 2024 and 2457 of 2024 along with this Petition on 12.06.2024.

08. All office objections to be removed on or before 06.05.2024, failing which the Petition shall stand dismissed on 07.05.2024, without reference to the Court.

[R.M. JOSHI,J.]

[RAVINDRA V. GHUGE,J.]