

- 1) **The State of Maharashtra & Ors.)**  
Through its Principal Secretary, )  
Urban Development Department, )  
Mantralaya Extension, )  
Mumbai – 32. )
- 2) **Director of Town Planning and )**  
**Valuation Department,** )  
Central Administration Building, )  
Ground Floor, Agarkar Nagar, )  
Pune – 411 001. )
- 3) **Assistant Director of Town )**  
**Planning, Kolhapur Branch,** )  
**Kolhapur, Town Planning and )**  
**Valuation Department,** )  
Kolhapur Branch, )  
Central Administrative Building, )  
Ground Floor, Kasba Bawda Road, )  
Kolhapur – 416 006. )
- 4) **Maharashtra Public Service )**  
**Commission,** Through its Secretary )  
Trishul Gold Field, Plot no. 34, )  
Front of Sarovar Vihar, Sector 11,) )  
CBD, Belapur, New Mumbai – 400 614.)

- 5) **Prajakta D/o Shivaji Pimple,** )  
 Age. Major, Occ. Service as )  
 City Engineer, )  
 R/o C/o Murgud Nagar Parishad,) )  
 Murgud, Tq. Kagal, )  
 Dist. Kolhapur. ).. **RESPONDENTS**

APPEARANCE :- Shri Ajinkya Reddy, Advocate for the applicant.

: Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

: Shri Avinash S. Deshmukh, learned counsel for respondent no. 05.

**CORAM** : **Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**  
**and**  
**Hon'ble Shri Vinay Kargaonkar,**  
**Member (A)**

**DATE** : **05.07.2024**

### **ORAL - ORDER**

*[Per :- Justice P.R. Bora, V.C.]*

1. Heard Shri Ajinkya Reddy, learned counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent no. 05.

2. In the present Original Application the applicant has challenged the selection and recommendation of respondent no. 05 on the post of Town Planner, Maharashtra Town Planning

and Valuation Service, group-A, which was reserved for Economically Weaker Section (Female).

3. The Maharashtra Public Service Commission had issued an advertisement No. 004/2022 on 28.01.2022 inviting applications for the post of Town Planner, Maharashtra Town Planning and Valuation Service, Group-A. Total 18 posts were advertised out of which 01 post was reserved for E.W.S. (Female). As is revealing from the pleadings, the applicant, as well as, respondent no. 05 both applied for the said post since they both belong to E.W.S. category. Since respondent no. 05 scored more marks than the applicant, the M.P.S.C. has recommended her name for appointment to the subject post. The recommendation so made by the M.P.S.C. is challenged by the present applicant on the ground that respondent no. 05 does not possess the requisite experience as prescribed under clause 8.2 of the advertisement. It is the contention of the applicant that respondent no. 05 did not have prior experience of Town Planning or Town Planning and Valuation of Lands & Buildings. It is the further contention of the applicant that respondent no. 05 is working as City Engineer in Construction Department in Murgud Municipal Council and job chart of City

Engineer does not contain the jobs relating to Town Planning and Valuation.

4. The objections as have been raised by the applicant are resisted by respondent no. 04 and respondent No. 05 both. It is the contention of respondent no. 05 that the applicant has misinterpreted the experience clause (clause 8.2). It is further contended that clause 8.4 of the advertisement as introduced by corrigendum dated 15.02.2022 establishes that any experience acquired in the relevant field while working either in Governmental, Semi-Governmental Institutions or Government Undertakings or Government appointed Institutions or such Institutions which are registered under the State Act on a post carrying the pay scale/pay band of not less than the (old) pay scale of Rs. 9300-34800, Grade Pay Rs. 4300/- or the (new) pay band of S-14: Rs. 38600-1,22,800 would be sufficient to hold such candidate eligible. As such, it is the contention of respondent no. 05 that she possesses the requisite experience as prescribed in the advertisement. Respondent no. 05 has also taken the contention that the application filed by the applicant is premature for the reason that she has already availed remedy of making representation to the M.P.S.C., but filed the present O.A. without waiting for the decision by the M.P.S.C. It is the

further contention of respondent No. 5 that the Committee of Experts had certified her to be eligible and possessing the requisite experience for to be appointed on the subject post and once the expert committee has recorded its findings, thereby holding the her eligible, there may be little scope for the Tribunal to cause interference in the opinion of the said experts. The M.P.S.C. has supported its recommendation in favour of respondent No. 5 submitting that the committee of experts has certified respondent No. 5 to be holding the requisite experience.

5. Respondent Nos. 1 & 2 in their affidavit in reply however, have taken a stand that respondent No. 5 does not possess the experience required for appointment to the post of Town Planner. It is further contended that respondent No. 1 vide letter dated 05.07.2023 has asked respondent No. 2 to submit the report regarding the experience certificate produced by respondent No. 5. It is further submitted that respondent No. 2 vide letter dated 24.07.2024 has submitted that respondent No. 5 does not possess the experience required for the post of Town Planner and hence it would not be appropriate to appoint her on the said post. It is further contended that respondent No. 2 suggested for making request to respondent No. 4 i.e. the M.P.S.C. to recommend other eligible candidates

from the waiting list in place of Smt. Pimple i.e. respondent No.5.

6. When the present O.A. was taken up for final hearing the learned counsel appearing for the respective parties made their submissions based on their pleadings. Learned counsel for the applicant Shri Reddy referred to and relied upon the following judgments in support of his contentions raised in the O.A.: -

- (1) District Collector & Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagram and another vs. M. Tripura Sundari Devi, (1990) 3 SCC 655.
- (2) Bhagwan Singh vs. State of Punjab, 1999 (9) SCC 573.
- (3) Union Public Service Commission vs. Shristi Singh, 2019 SC 1016.
- (4) Rajasthan Public Service Commission vs. Kaila Kumar Paliwal and Anr., 2007 SC 1746.
- (5) Commissioner of Municipal Administration and Another Vs. M.C. Sheela Evanjaline and Others, (2020) 19 SCC 317.

whereas, learned counsel appearing for respondent No. 5 Shri Deshmukh cited the following 02 judgments.

- (1) Maharashtra Public Service Commission, Mumbai vs. Tejrao Bhagaji Gadekar and another, 2013 (4) Mh.L.J. 91; and
- (2) M.V. Thimmalah and Others vs. Union Public Service Commission and Others, (2008) 2 SCC 119.

7. Learned Presenting Officer performed 02 contrast roles : while arguing on behalf of respondent nos. 01 and 02 it was his argument that respondent no. 05 does not possess the requisite experience as prescribed in the advertisement and while arguing on behalf of respondent no. 04 i.e. the MPSC he justified the recommendation of respondent no. 5 stating that she satisfies the criteria of experience.

8. During the course of arguments and while perusing the case file it was noticed by us that respondent no. 5 and few other candidates were called upon by the MPSC to submit/upload their experience certificates. On a query made by us to the learned counsel appearing for respondent no. 5 whether the certificate of experience was submitted/uploaded by the said respondent at the time of making application, it was informed that no such certificate was uploaded and it was submitted/uploaded in pursuance of the notification dated 26.5.2023 issued by the MPSC.

9. After having noticed the aforesaid fact we asked the learned counsel appearing for the parties whether it was permissible and whether the MPSC could have permitted the candidates, who did not submit/upload the requisite certificates along with application and referred to the decision of the

Hon'ble Supreme Court in the case of **Bedanga Talukdar vs. Saifudullah Khan & Ors., AIR 2012 SC 1803**, learned counsel appearing for the parties sought time till next date to make their submissions in that regard. Today, we heard the learned counsel appearing for the parties on the said issue.

10. Learned counsel for the applicant has placed on record copy of the judgment in the case of **Bedanga Talukdar vs. Saifudullah Khan & Ors.** (cited supra) and also cited one more judgment in the case of **Karnataka State Seeds Development Corporation Limited and Anr. vs. H.L. Kaveri and Ors., AIR Online 2020 SC 63**. Learned counsel appearing for respondent no. 5 also submitted the judgment in the case of **Bedanga Talukdar vs. Saifudullah Khan & Ors.** (cited supra) and he also submitted one more judgment in the case of **Union of India vs. Bikash Kuanar, 2006 (8) SCC 192**.

11. Learned counsel for the applicant pointed out that as provided in clauses 8.2, 8.4, as well as, 11.2.4 in the advertisement, the candidates were under an obligation to submit/upload the documents as regards to their claim of experience along with the application. Learned counsel also pointed out that there is no provision in the advertisement,



which permits any relaxation in the terms and conditions incorporated in the advertisement.

12. In view of the submissions made by learned counsel on the aforesaid aspect, we deem it appropriate to deal with the said issue first. It would be relevant to reproduce the relevant clauses i.e. clauses 8.2, 8.4 and 11.2.4, which read thus:-

*"(८.२) अनुभव :- Have experience not less than three years is Town Planning or Town Planning and Valuation of Lands & Building the above qualification.*

*(८.४) अनुभवाच्या दाव्यांबाबत:-*

(अ) शासन पत्र नगर विकास विभाग, क्रमांक:- नियुक्ती-११२१/प्र.क्र.१९९/नवि-२७, दिनांक १२ जानेवारी, २०२२ अन्वये उपरोक्त ८.२ मध्ये नमूद आवश्यक अनुभव- शासकीय संस्था अथवा निम-शासकीय संस्था अथवा शासनाचे अंगीकृत उपक्रम अथवा शासन नियंत्रित संस्था अथवा कंपनी अधिनियमातर्गत नोंदणीकृत संस्था किंवा शासनाच्या कोणत्याही कायद्यान्वये नोंदणीकृत असणा-या संस्था यांमध्ये, संचालनालयांतर्गत सहायक नगर रचनाकार (गट-ब) (६ व्या वेतन आयोगानुसार वेतनश्रेणी रुपये ९,३००-३४,८००, ग्रेड पे रु ४,४००/-) (७ व्या वेतन आयोगानुसार S-१५: ४१,८००-१,३२,३००) या वेतनश्रेणी पेक्षा कमी वेतनश्रेणी नसेल अशी वेतनश्रेणी असलेल्या पदावरील नगर रचना व जमिन अथवा इमारतीचे मूल्यांकन या विषयांमधील ३ वर्षांपेक्षा कमी नसेल एवढा प्रत्यक्ष अनुभव ग्राह्य धरण्यात येईल.

(ब) आयोगाच्या ऑनलाईन अर्ज प्रणालीद्वारे विविध स्वरूपाचे दावे करताना अथवा दावे अद्ययावत करताना प्रस्तुत जाहिरातीस अनुसरून अनुभवाच्या दाव्यांनुसार पात्र होण्यासाठी उमेदवाराने Nature of Job - Town Planning/Town Planning and Valuation of Lands and Buildings/Assistant Town Planner / Assistant Town Planner and Valuation of Lands and Buildings असे नमूद करणे अनिवार्य आहे. त्याशिवाय, ऑनलाईन अर्ज प्रणालीद्वारे अर्ज स्वीकृत होऊ शकणार नाही.

(११.२.४) पात्रतेसंदर्भातील विविध दाव्यांच्या अनुषंगाने प्रमाणपत्रे/कागदपत्रे अपलोड केल्याशिवाय अर्ज सादर करता येणार नाही. "

13. Conjoint reading of the aforesaid clauses would mean that the candidate concerned must possess the experience not less than 03 years in Town Planning or Town Planning and Valuation of Lands and Buildings after obtaining the qualification prescribed in clause 8.1 of the advertisement and more importantly it is mandatory for the candidate to upload the requisite document as about the experience at the time of making application. Insofar as educational qualification is concerned, it is not in dispute that the applicant, as well as, respondent no. 05 both possess the said qualification. It is undisputed that respondent no. 05 at the time of filling in the online application form did not upload her experience certificate. There is further no dispute that vide notification issued on 25.05.2023 respondent no. 04 declared the list of the candidates, who have though passed the preliminary examination have not submitted the experience certificate of the requisite period, calling upon them to place on record the said certificate of the requisite period by 26.05.2023 on the email id provided in the said notification. Name of respondent no. 05 is appearing at sr. no. 05 in the said list. There is further no dispute that respondent no. 05 accordingly submitted her experience certificate. The facts, which have come on record, further reveal that on the basis of the certificate so filed by

respondent no. 05 the name of respondent no. 05 was included in the list of selected/recommended candidates. The act of respondent no. 04 of permitting respondent no. 05 to furnish the experience certificate has been strongly objected by the applicant.

14. The question arises whether respondent no. 04 could have permitted respondent no. 05 to place on record the documents pertaining to her experience, which she had not uploaded along with her application. Rival contentions are made on the issue. According to the applicant, when in the advertisement itself it was mandated vide clauses 8.4 and 11.2.4 that the candidates were required to upload the document/certificate showing that they were holding the requisite experience as prescribed in the advertisement. Respondent no. 4 could not have permitted the applicant to submit such certificate later on. As against it, it is the contention of respondent no. 05 that not filing of experience certificate along with application can be at the most held irregularity and not the illegality. Learned counsel submitted that the irregularity can always be permitted to be cured. It has been also argued that permission to file the experience certificate was as well granted to other 10 candidates also.

15. In the case of **Bedanga Talukdar vs. Saifudullah Khan & Ors.** (cited supra) similar issue had arisen for consideration of the Hon'ble Supreme Court. Respondent no. 01 in the said matter had applied for the post which was reserved for the candidate with locomotor disability. Said respondent, however, did not submit the mandatory documents to substantiate his candidature in the seat reserved for the candidate with locomotor disability on or before the last date for submission of applications. He also did not submit the said document even at the time when he appeared for the preliminary examination. In the circumstances, Assam Public Service Commission recommended name of the appellant. Respondent no. 01 therefore filed writ petition before the Hon'ble Assam High Court. Hon'ble High Court directed the Public Service Commission to examine the entitlement of the petitioner by taking into account the identity card produced by him. The matter was therefore brought to the Hon'ble Supreme Court. The Hon'ble Supreme Court allowed the appeal and set aside the order passed by the Hon'ble High Court with following observations:-

*“28. We have considered the entire matter in detail. In our opinion, it is too well settled to need any further reiteration that all appointments to public office have to be made in conformity*

with [Article 14](#) of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being shown to any candidate. Therefore, the selection process has to be conducted strictly in accordance with the stipulated selection procedure. Consequently, when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained. There can not be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved. Such a power could be reserved in the relevant Statutory Rules. Even if power of relaxation is provided in the rules, it must still be mentioned in the advertisement. In the absence of such power in the Rules, it could still be provided in the advertisement. However, the power of relaxation, if exercised has to be given due publicity. This would be necessary to ensure that those candidates who become eligible due to the relaxation, are afforded an equal opportunity to apply and compete. Relaxation of any condition in advertisement without due publication would be contrary to the mandate of quality contained in [Articles 14](#) and [16](#) of the Constitution of India.

29. A perusal of the advertisement in this case will clearly show that there was no power of relaxation. In our opinion, the High Court committed an error in directing that the condition with regard to the submission of the disability certificate either along with the application form or before appearing in the preliminary examination could be relaxed in the case of respondent No. 1. Such a course would not be permissible as it would violate the mandate of [Articles 14](#) and [16](#) of the Constitution of India.

30. In our opinion, the High Court was in error in concluding that the respondent No.3 had not treated the condition with regard to the submission of the certificate along with the application or before appearing in the preliminary examination, as mandatory. The aforesaid finding, in our opinion, is contrary to the record. In its resolution dated 21st May, 2010, the Commission has recorded the following conclusions:-

"Though Shri S. Khan had mentioned in his letter dated 10.12.2009 that he was resubmitting the Identity Card with regard to Locomotor Disability he, in fact, had submitted the documentary proof of his Locomotor Disability for the first time to the office of the A.P.S.C. through his above letter dated 10.12.2009. However, after receiving the Identity Card the matter was placed before the full Commission to decide whether the Commission can act on an essential document not submitted earlier as per terms of advertisement but submitted after completion of entire process of selection.

*The Commission while examining the matter in details observed that Shri S. Khan was treated as General candidate all along in the examination process and was not treated as Physically Handicapped with Locomotor Disability. Prior to taking decision on Shri S. Khan it was also looked into by the Commission, whether any other candidate's any essential document relating to right /benefits etc. not furnished with the application or at the time of interview but submitted after interview was accepted or not. From the record, it was found that prior to Shri S. Khan's case, one Smt. Anima Baishya had submitted an application before the Chairperson on 26.2.2009 claiming herself to be a S.C. candidate for the first time. But her claim for treating herself as a S.C. candidate was not entertained on the grounds that she applied as a General candidate and the caste certificate in support of her claim as S.C. candidate was furnished long after completion of examination process."*

*31 In the face of such conclusions, we have little hesitation in concluding that the conclusion recorded by the High Court is contrary to the facts and materials on the record. It is settled law that there can be no relaxation in the terms and conditions contained in the advertisement unless the power of relaxation is duly reserved in the relevant rules and/or in the advertisement. Even if there is a power of relaxation in the rules, the same would still have to be specifically indicated in the advertisement. In the present case, no such rule has been brought to our notice. In such circumstances, the High Court could not have issued the impugned direction to consider the claim of respondent No.1 on the basis of identity card submitted after the selection process was over, with the publication of the select list."*

16. In the case of **Karnataka State Seeds Development Corporation Limited and Anr. vs. H.L. Kaveri and Ors.** (cited supra) the appellant Corporation had invited applications for various posts against the backlog vacancies including 02 vacancies of Senior Assistant and 10 vacancies of Junior Assistant. Apart from the educational and professional

qualifications, the appellant was required to submit a certificate of work experience of 3 years/2 years in a reputed company for the post of Senior Assistant/Junior Assistant. The said applicant however had not enclosed certificate of requisite period along with application form, which was required at the time of submitting the application. The said candidate was therefore not selected. He approached the Hon'ble High Court by filing writ petition. Learned Single Judge dismissed the said writ petition. The said candidate therefore filed Letter Patent Appeal (LPA) before the Division Bench of the Hon'ble High Court, which accepted his request and directed the Corporation to consider the claim of the said applicant taking note of his experience certificate. The matter was, therefore, taken to the Hon'ble Supreme Court. The Hon'ble Supreme Court allowed the appeal with the following observations:-

*“13. It remains undisputed as recorded by the learned Single Judge of the High Court in the order after perusal of the original records of which reference has been made that the 1<sup>st</sup> respondent had not enclosed her experience certificate along with the application and her statement on oath was found to be factually incorrect and the rejection of her application was indeed in terms of the advertisement dated 11th November, 2013 for which the Corporation was not required to assign any reasons which although was disclosed before the Court and noticed by the learned Single Judge in its judgment.*

*14. In the given circumstances, we do not find any error being committed by the Corporation in its decision making process while rejecting the application of the 1<sup>st</sup> respondent for non-fulfilment of the necessary experience certificate which was to be*

*enclosed along with the application as required in terms of the advertisement dated 11th November, 2013.”*

17. In view of the law laid down as above in both the aforesaid judgments, it appears to us that respondent no. 04 has committed an error in allowing respondent no. 05 to submit the certificate of her experience later on which she had not submitted/uploaded at the time of making application. In the subject advertisement there is no provision for grant of any relaxation in terms and conditions incorporated in the said advertisement. As such, when clause 8.4 and 11.2.4 of the said advertisement clearly lay down that the candidate is under an obligation to upload the documents on the basis of which his eligibility is liable to be decided and the experience certificate is one of such document, which was not uploaded by respondent no. 05, the respondent no. 04 could not have relaxed the said condition and permitted respondent no. 05 to submit such certificate at a later stage.

18. In the case of **Bedanga Talukdar vs. Saifudullah Khan & Ors.** (cited supra) in the corrigendum issued to the advertisement it was mandated that the candidate with locomotor disability must produce supporting document in the office of Assam Public Service Commission or in the



examination hall before commencement of the examination. Last date for submission of such document was 06.07.2007. Respondent no. 01 in the said matter had not submitted the mandatory document on or before 06.07.2007. Said respondent also did not submit the mandatory document even at the time when he appeared for the preliminary examination. In the above circumstances though the Hon'ble High Court relaxed the said condition in the case of respondent no. 01 in the said matter, the Hon'ble Supreme Court turned down the said order observing that the relaxation given by the High Court was contrary to the terms and conditions of the advertisement.

19. In the matter of **Karnataka State Seeds Development Corporation Limited and Anr. vs. H.L. Kaveri and Ors.** (cited supra) also the concerned lady candidate had not enclosed experience certificate of the requisite period along with application form, which was requirement at the time of submitting the application. The said lady undisputedly submitted her experience certificate not at the time of submitting the application, but later on. The Hon'ble Supreme Court while allowing the appeal before it upheld the order passed by the learned Single Judge that the rejection of the

application of the said applicant was indeed in terms of the advertisement.

20. We reiterate that respondent no. 05 in the present matter undisputedly has not submitted/or uploaded the experience certificate along with application and in the circumstances, she could not have been permitted to furnish the said document at any subsequent stage. The advertisement in the present matter clearly shows that it does not contain any clause or provision vesting the power of causing relaxation in terms and conditions incorporated in the advertisement. According to us, the respondent no. 04 i.e. the M.P.S.C. had committed an error in relaxing the term in respect of submitting the experience certificate along with application. In the circumstances, the prayer made by the applicant in the Original Application in regard to cancellation of appointment of respondent no. 05 deserves to be allowed on this count alone.

21. It has to be stated that in the Original Application the entire thrust of the applicant is on the fact that respondent no. 05 does not possess the requisite experience as prescribed in the advertisement. The respondent nos. 01 and 02 have supported the objection raised by the applicant and have in their affidavit in reply candidly stated that respondent no. 05

does not possess the experience required for appointment to the post of Town Planner. The said contention has been denied by respondent no. 04 and respondent no. 05 both. It is the common contention of said respondents that on the count of experience, the committee of experts has held respondent no. 05 eligible and in light of the said report of committee of experts there is little scope for this Tribunal to take any contrary view unless the *mala fides* are attributed on the part of the decision making authority. In support of the said contentions the reliance is placed on the judgment of the Hon'ble Supreme Court in the case of **M.V. Thimmalah and Others vs. Union Public Service Commission and Others** (cited supra). The judgment in the case of **Union of India vs. Bikash Kuanar** (cited supra) was also cited. In the case of **Union of India vs. Bikash Kuanar** it is held by the Hon'ble Supreme Court that "*When a Selection Committee recommends selection of a person, the same cannot be presumed to have been done in a mechanical manner in absence of any allegation of favouritism or bias.*" It is further held by the Hon'ble Supreme Court that "*in such cases a presumption arises in regard to the correctness of the Official Act.*" In the affidavit in reply filed on behalf of respondent no. 04 the remarks given by the experts committee are reproduced, which are as follows:-

“अर्जदाराने सादर केलेल्या अनुभव प्रमाणपत्राची पडताळणी केली असता नगर रचना विभागासी संबंधित ‘नगर अभियंता’ या पदावर काम केल्याचे प्रमाणपत्र आनल्याने ग्राह्य धरण्यास हरकत नाही.”

22. From the aforesaid remarks offered by the experts committee there appears substance in the allegation made by the applicant that the committee of experts has certified respondent no. 05 to be holding the requisite experience only on the basis of the certificate submitted by the said respondent of having worked on the post of City Engineer and there seems no independent application of mind by the committee of experts. The experience certificate of respondent no. 05 is not placed on record. However, we do not indulge in the aforesaid controversy for the reason that, according to us, the recommendation of respondent no. 05 is liable to be set aside on the sole ground that she had not submitted the experience certificate along with her application and submitted it later on, which was impermissible in terms of the advertisement and against the law laid down by the Hon’ble Supreme Court in the case of **Bedanga Talukdar vs. Saifudullah Khan & Ors.** (cited supra). From the facts, which have come on record, it is revealed that respondent no. 05 has not yet been issued the order of appointment by respondent nos. 01 and 02 and as noted hereinabove, the respondent nos. 01 and 02 have requested the respondent no.

04 to recommend the name of other candidate in order of merit.  
Having considered the circumstances as aforesaid, the following  
order is passed:-

**ORDER**

- (i) Recommendation of respondent no. 05 made by respondent no. 04 for her appointment on the post of Town Planner, Maharashtra Town Planning and Valuation Service, Group-A from the quota of E.W.S. (Female) stands cancelled.
- (ii) Respondent no. 04 is directed to recommend the candidate next to respondent no. 05 in order of merit as per the request made by respondent nos. 01 and 02.
- (iii) Needless to state that if the present applicant, who claims to be in order of merit next to respondent no. 05, if fulfills the eligibility criteria, she is liable to be considered.
- (iv) The Original Application stands allowed in the aforesaid terms, however, without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

**Place : Aurangabad**

**Date : 05.07.2024**