

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4683 OF 2013

Balaji S/o Maroti Tidke
Age 29 years, Occ-Nil
R/o A/p Pangri,
Tq. Parli-V, Dist.Beed.

.. PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary,
Higher & Technical Education
Department, Mantralaya, Mumbai
(Copy served on G.P.
High Court, Aurangabad)
- 2] Maharashtra State Road
Transport Corporation
Employees Class Account, Central Office,
Maharashtra Transport Bhavan,
Dr.Anandrao Nair Road,
Mumbai Central, Mumbai-400 008
Through its
Chief General Manager.
- 3] The Divisional Controller,
Maharashtra State Road Transport
Corporation, Osmanabad Division,
Osmanabad, Tq. & Dist.Osmanabad
- 4] Maharashtra Knowledge Corporation Ltd.
6 floor, A-Wing, International
Convention Centre (ICC) Trade Tower
Senapati Bapat Road,'
Pune-4

..RESPONDENTS

Shri S.W.Mundhe,Adv. For petitioner

Smt.S.A.Dhumal,AGP for Respondent State.

Shri D.S.Bagul,Adv. For respondent no.3

Shri S.G.Chapalgaonkar, Adv. For respondent no.4.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.**

DATE : 28th January, 2015.

P.C. :

Mr.Mundhe, learned counsel submits that the petitioner was selected for the post of Assistant Sheet Metal from N.T. (D) category. The petitioner is non-apprentice. The learned counsel submits that subsequently the select list was changed illegally and name of the petitioner was deleted from the select list. The learned counsel submits that there is no transparency in the selection process. Even the M.S.R.T.C. has not filed any affidavit in the present matter. According to the learned counsel, once the select list was prepared, respondents could not have changed the reservation as that would be detrimental to the interest of the petitioner. The petitioner could not change over to another Division. If the petitioner would have known that the reservation is being changed and no post for NT (D) category is reserved for Assistant Sheet Metal for Osmanabad division, according to the learned counsel, the respondents have committed illegality, the same deserves to be set aside and the petitioner be given

appointment for the Assistant Sheet Metal.

2] Mr.Chapalgaonkar, learned counsel for the M.K.C.L. submits that earlier select list was published without considering the reservations in totality, however, the M.S.R.T.C. thereafter asked the M.K.C.L. to consider all the trades from the Assistant Sheet Metal and that is how the name of the petitioner got deleted subsequently, no illegality has been committed. The same is permissible in view of sub clause 13 of clause 12 of the advertisement.

3] We have considered submissions of the learned counsel. Mere inclusion of the name in the select list does not give indefeasible right to get appointment.

4] There were total 46 posts for Osmanabad division regarding various trades and various posts. The reservation was considered for Assistant Sheet Metal for all the trades as one. Considering that the reservations were considered and applied subsequently, the persons belonging to the said reserved category which is applied subsequently are already appointed. Even otherwise, life of select list would be for one year. It is submitted by learned counsel for the respondents that subsequently it was withdrawn.

5] We are not concerned with the subsequent selection process. The selection is of the year 2012. Persons are appointed considering the reservation applied subsequently. If any orders are passed, the appointment of the other persons would stand affected who are not before this Court.

6] Learned counsel for M.K.C.L. submits that all 46 posts have been filled in long back and the person appointed from N.T. (D) category has secured 38 marks, he is from Apprentice category and the petitioner is from non-apprentice category.

7] Considering all the aspects of the matter, no relief can be given to the petitioner. Writ Petition is disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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