

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 1059 OF 2014
WITH WP/11123/2010**

DR. SACHIN DIGAMBAR WANI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Kedar Balbhim R.
AGP for Respondent/State : Mr. D.V. Tele
Advocate for Respondent No. 2 : Mr. Patil Pradip R.
Advocate for Respondent no.3 : Mr. Sangeet L.V.

...

CORAM : S.S. SHINDE & RAVINDRA V. GHUGE, JJ.

Dated: April 21, 2015

...

PER COURT :-

Heard.

2. The learned counsel appearing for the petitioner submits that, though the petitioner was senior, by not considering his claim, Respondent No.3 is appointed, who is junior to the petitioner. It is submitted that, the appointment of Respondent No.3 is dehors to the procedure/rules. It is submitted that, the petitioner was appointed in the year 2000 and he was continued in the year 2001. Even protection was granted by this Court, therefore, he submits that, the Petitions deserve to be allowed.

3. On the other hand, the learned counsel

appearing for Respondent No.3 – Corporation submits that, appointment order issued in favour of Respondent No.3 by the then Commissioner was not in accordance with Rules and, therefore, the Respondent – Municipal Corporation, Jalgaon is taking appropriate steps/measures to correct the earlier decision of the Commissioner.

4. We have considered the submissions advanced by the learned counsel appearing for the respective parties. The petitioner has no right to assail the appointment order of Respondent No.3, in as much as, the petitioner's appointment was on temporary basis and on honourary basis. So far as appointing Respondent No.3 is concerned, in the light of the statement made by the learned counsel appearing for the Respondent – Corporation, we hope and expect that, the Respondent – Corporation will take appropriate steps/measures to correct the earlier decision as expeditiously as possible.

5. In future, if any vacancy arises, the petitioner's claim be considered keeping in the view services rendered by him.

6. With the above observations, the Petitions stand rejected.

(**RAVINDRA V. GHUGE, J.)**

(**S.S. SHINDE, J.)**

...

sga/-