

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 2060 OF 2002  
WRIT PETITION NO. 2061 OF 2002  
WRIT PETITION NO. 2074 OF 2002**

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**WRIT PETITION NO. 2060 OF 2002**

The State of Maharashtra .. Petitioner  
Through The Dy. Director of  
Social Forestry, Jalna.

Versus

Gopal Baliram Mahajan .. Respondent  
Age. 29 years, Occ. Service,  
C/o. Social Forestry Range,  
Partur, Dist. Jalna.

**WITH  
WRIT PETITION NO. 2061 OF 2002**

The State of Maharashtra .. Petitioner  
Through The Dy. Director of  
Social Forestry, Jalna.

Versus

Mohan Baliram Mahajan .. Respondent  
Age. 29 years, Occ. Service,  
C/o. Social Forestry Range,  
Partur, Dist. Jalna.

**WITH  
WRIT PETITION NO. 2074 OF 2002**

The State of Maharashtra .. Petitioner  
Through The Dy. Director of  
Social Forestry, Jalna.

Versus

Sanjay Vasant Shitole .. Respondent  
Age. 29 years, Occ. Service,  
C/o. Social Forestry Range,  
Partur, Dist. Jalna.

Mr. S.R. Palnitkar, A.G.P. for the petitioner.  
Mr. Kalyan Patil h/f. Mr. S.R. Barlinge, Advocate for the  
respondents.

**CORAM : A.V. NIRGUDE &  
V.K. JADHAV, JJ.  
DATED : 08.01.2015**

**ORAL JUDGMENT : [PER : A.V. NIRGUDE, J.] :-**

1. Heard. These petitions are filed for challenging the judgment and order passed by the Maharashtra Administrative Tribunal dated 31.08.2001 & 28.08.2001, in the respective matters, whereby the Tribunal set aside the order of termination issued by the Government of Maharashtra against the respondents. The respondents were initially appointed in March, 1985 as temporary employees. They were working as Jr. Clerks. The office, thereafter, noticing that there were vacancies, in 1986 constituted a Selection Committee for selecting the candidates for filling up posts

of Clerk. The information regarding this was given to Employment Exchange as well as Social Welfare Officer. The names of certain candidates were sent by these two agencies. The respondents were also given opportunity to appear before the Selection Committee for interview. In due course, the respondents were selected. They were given letter of appointment, but suddenly after few months, they were served with the impugned letter of termination. The reason why the respondents were terminated was that their names were not recommended either by the Social Welfare Department or by the Employment Exchange.

2. The petitioner tried to justify this action on their part saying that relying on the brochure issued by the State of Maharashtra under the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959, they were justified in terminating services of the respondents.

3. On careful perusal of the affidavit, it is seen that the brochure only laid down that it is compulsory to notify the vacancies to Employment Exchange. In the present cases, such information was given to the Employment Exchange as well as to the Social Welfare Officer. We are told that Social Welfare Officer and Employment Exchange Officer were members of Selection Committee.

4. Having regard to these facts, learned Member of the Tribunal rightly opined that selection and appointment of the

respondents was not against the provisions of any law. The Tribunal also placed reliance on catena of judgments of the Supreme Court in which it is held that sponsoring names by employment cannot be only made for filling up vacancies in class III & IV category.

5. The Employment Exchange and Social Welfare Officer are not the exclusive sources through which the appointments are made. As said above the respondents were working with the Department since prior to their selection. They were given opportunity as in-service candidate. We do not find any illegality in the selection process and appointments of the respondents.

6. The writ petitions are, therefore, dismissed. Rule discharged.

**[V.K. JADHAV, J.]**

**[A.V. NIRGUDE, J.]**