

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2279 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.R.Patil, advocate for the petitioner.
Mr.K.G.Patil, Addl. Govt. Pleader for the State.
Mr.S.P.Shah, advocate for Respondent No.4.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**
Date : 27.01.2015.

PER COURT :

1. Heard.
2. Mr.Patil, learned counsel submits that the land was acquired by APMC and assurance was given that the petitioner would be given appointment on the post as per his qualification and competency. Even a Resolution was passed by APMC on 3.12.2001 to that effect. However, the Respondents are not adhering to the said Resolution inspite of the fact that petitioner has given ample applications/representations. According to the learned counsel, petitioner having participated in the selection process will have no effect on the right of the petitioner to get appointment

pursuant to the Resolution passed by the Respondent itself.

3. Mr. Shah, learned counsel for the Respondent No.4 submits that the petitioner can not be appointed de hors the Bylaws and Rules of the APMC. The said Resolution is also qualified that it is subject to the bylaws and the Rules applicable. There is no provision of direct appointment, on the contrary, it prohibits appointment without selection process. The petitioner had appeared in the selection process and failed. According to the learned counsel, the land of the petitioner was not acquired but it was sold by the petitioner to the APMC by virtue of sale deed.

4. As representations have been given by the petitioner on which no decision has been taken by the Respondent, we are not entering into the merits of the contentions. Interest of justice would be sub-served by passing the following order :

- a) The Respondent APMC shall decide the representations given by the petitioner (Exh.E) collectively on its own merits expeditiously, preferably within six (6) months.
- b) The Writ Petition is accordingly disposed of. No costs.

(V . L . ACHLIYA , J .)

(S . V . GANGAPURWALA , J .)

Dt..27.01.2015.
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