

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

WRIT PETITION NO. 2614 OF 2013

Ashok Devidas Sahejul .. Petitioner

Versus

The State of Maharashtra and Another .. Respondents

Shri A. D. Sugdare, Advocate for the Petitioner.

Shri G. K. Thigle, A. G. P. for the Respondent No. 1.

Smt. M. A. Deshpande, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 27TH JULY, 2015.

PER COURT :

1. Mr. Sugdare, the learned counsel for the petitioner states that, the petitioner had given representation to the respondents to consider the case of the petitioner under Section 54 (1) of the Maharashtra Municipal Corporation Act, as was considered in case of persons at Item No. 13 and 15 of the order dated 22.08.2008 (Exh. C). The learned counsel further submits that, when in case of other candidates working on daily wages the appointments are made accepting recommendations of Staff Selection Committee, the same procedure ought to have been

followed in case of the petitioner. The petitioner is being discriminated. The petitioner is also eligible in all respects and is similarly situated as the other candidates referred above. According to the learned counsel, in case of appointment of other persons who are similarly situated the process of advertisement etc. is not followed.

2. Mrs. Deshpande, the learned counsel for Respondent No. 2 submits that, the post which is being claimed by the petitioner that of SFW is required to be filled in by nomination and not by promotion, wherein the petitioner has to compete with other candidates. The representation of the petitioner has been decided pursuant to the orders of this Court. Correct reasons are given for rejecting the representation of the petitioner.

3. In fact, the petitioner had earlier filed a writ petition in which two persons named at Serial No. 13 and 15 of Exh. "C" were parties. The Court did not interfere with their appointments, however, gave liberty to the petitioner to make a representation. The representation is rejected on the ground that, the post claimed by the petitioner is required to be filled in by nomination only. It is stated on affidavit by Respondent No. 2 that, those two persons referred at Serial No. 13 and 15 (Exh. C)

were appointed after following due selection process such as advertisement etc. We have also gone through the relevant Rules which says that, appointment to the post of SFW is required to be made by nomination.

4. In light of the above, case of the petitioner can not be considered. As such, the writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

sam/July. 15