

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.4568 OF 2010 IN
LETTERS PATENT APPEAL ST.NO.8410 OF 2010 IN
WRIT PETITION NO.6297 OF 2008

Ahmednagar Municipal Council

Applicant

Versus

Duryodhan s/o Namdeo Vairal
and others

Respondents

Mr.K.N.Lokhande, advocate for the applicant.

Mr.D.P.Bakshi, advocate for Respondents No.1 to 3.

Mr.V.N.Upadhye, advocate for Respondent No.4.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 19th June, 2015

PER COURT:

This is an application seeking condonation of delay occurred in presenting the appeal.

Heard. For the reasons recorded in the application, application deserves to be allowed and same is accordingly allowed. Delay occurred in presenting instant appeal stands condoned.

Civil Application stands disposed of.

**P.R.BORA
JUDGE**

adb/ca456810

**R.M.BORDE
JUDGE**

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Perused the order passed by the learned Single Judge.

The qualification of possessing Degree in Science stream with Chemistry as one of the subjects is essential for appointment to the post of Filtration Inspector, whereas, such prescription is not provided in case the post is required to be filled in from amongst the employees working in the Department from promotional channel. The percentage of appointment from amongst the promotional channel and direct recruitment is provided to the extent of 50% for each of the category.

Since Respondent No.4 is appointed as an in-service candidate and is promoted to the said post, criteria mentioned in the circular / regulations in respect of qualification for making appointment to the post from amongst direct recruits cannot be held to be applicable.

The view taken by the learned Single Judge is reasonable and proper. No interference is called for in the Letters

Patent Appeal. Appeal is devoid of substance.

Letters Patent Appeal stands dismissed. Pending Civil Applications do not survive and stand disposed of.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE