

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

WRIT PETITION NO. 4429 OF 2015

SHAIKH ALI SHAIKH WAZIR AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr.U.B. Bondar
AGP for Respondents: Mrs. S.A.Dhumal

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.

Dated: June 08, 2015

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PER COURT :-

1. Mr. Bondar, learned counsel for the petitioners strenuously contends that, Tribunal failed to consider that selection process for the selection of 'Kotwal' was conducted in the year 2007. According to the learned counsel, minutes of the selection committee held on 21.8.2007 are placed on record. According to the learned counsel, Tribunal had come to the conclusion that two of the applicants out of 6 names recommended were selected. At least Tribunal ought to have considered the names of two applicants. According to learned counsel, on 17.5.2012 a letter was issued by the respondent No.2 Tahsildar, Kinwat to Respondent No.3 stating therein that 9 persons were selected for the post of Kotwal in Kinwat Taluka, and on 16.7.2007 meeting of the Members of the Committee had taken place and the President and Secretary of the Committee were present. Two of the members were absent. According to the learned counsel, when the selection process have been conducted in the year 2007, there was no fault of the petitioners. Petitioners cannot be penalized. Learned

counsel submits that there was no impediment for the Tribunal to consider the case of the two petitioners.

2. Learned AGP submits that said process was of the year 2007. Fresh advertisement was issued in the year 2015. According to the learned AGP no illegality has been committed by the Tribunal.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. It is not disputed that petitioners at no material point of time were issued appointment orders. Even a candidate whose name appears in the selection list does not get any right to be appointed. Moreover, in the present case, selection process was of the year 2007. Eight years have lapsed. Even Tribunal has dismissed Original Application in the year 2013. Same is sought to be assailed in the year 2015 after fresh advertisement was issued.

5. We have considered the judgment delivered by the Tribunal. Tribunal has observed that two lists are appearing. As per the list of the so called meeting of the selection committee, only applicants 1 and 2 were shown to have been selected while as per respondent no.2, respondents No.1 to 7 were found to be eligible. Tribunal has come to the conclusion after perusing the case papers, there is no

reason to disbelieve the same.

6. Moreover, letter dated 17.5.2012 relied by the petitioner issued by the Tahsildar clearly states that meeting of the Committee was scheduled on 16.7.2007 and written notices were given to the members on the said date. The President and Secretary were present, however, two members were absent. Such meeting could not take place and meeting was postponed. Thereafter, meeting was scheduled to be held on 21.8.2007. However, on the said date, meeting could not take place and as such selection process could not be completed. Even as per the letter relied by the petitioner, it is clear that selection process was not completed.

7. In light of the above, no illegality has been committed by the Tribunal. Writ Petition stands dismissed. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-