

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

WRIT PETITION NO. 10993 OF 2014

Sanjay Chandaba Gaikwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Shaikh Mazhar A. Jahagirdar, Advocate for the Petitioner.
Shri K. G. Patil, Addl.G.P. for All Respondents.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 10TH MARCH, 2015.

PER COURT :

. Mr. Shaikh, the learned counsel for the petitioner submits that, the petitioner had filed an application to the respondent No. 2 for appointment on the vacant post of Section Officer for which the petitioner is entitled as per the rules. The respondent No. 1 also directed the respondent No. 2 to appoint the petitioner by his order cum request dated 22.07.2011. The respondent No. 2 thereafter kept the matter for discussion on 01.09.2012, however, the matter was never discussed and was pending for near about eight months. On the contrary, the respondent No. 2 appointed another person on the said post without deciding claim of the petitioner. The act of the respondent is malafide and arbitrary, because of which injustice has been caused to the petitioner. The

learned counsel submits that, action deserves to be taken against the authorities. Even prosecution is required to be lodged.

2. Mr. Patil, the learned Additional Government Pleader submits that, the sanction was already granted. The discussion was held, however, inadvertently noting was not carried out. The action is not malafide or arbitrary. There is no animus against the petitioner.

3. We have considered the submissions canvassed by learned counsel for respective parties. It appears that, eventually the petitioner has been granted the post which is sought. We are not entering into other aspects of matter. There are allegations and counter allegations against each other. The same would not be within purview of present petition also. Considering the fact that, the petitioner eventually is given the said post, the grievance of the petitioner with regard to initiation of action need not be considered, as the act of the respondents does not appear to be intentional one.

4. In the light of the above, writ petition is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]